



prejudgment interest or an order to pay civil penalties in this action, and (iii) that the public interest requires the Commission's application for this Order be heard *ex parte* and without notice, the Court grants the Commission's application and orders as follows:

**I.**

**IT IS HEREBY ORDERED** that, pending further order of this Court, defendants and their officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including without limitation Merrill Lynch, shall hold and retain within their control, and prevent any disposition, transfer or dissipation of, any assets or proceeds currently in their possession, custody, or control in the accounts maintained in the name of or for the benefit of the defendants or any one of them.

**II.**

**IT IS HEREBY FURTHER ORDERED** (i) that in addition to all other potential means of service, service of all pleadings, process, and papers in this litigation, including the summons, complaint, and this Order, may be made by Commission staff by serving such documents on Merrill Lynch, as agents of defendants; and that (ii) in addition to all other potential methods of service, service on defendants, directly or through their agents or attorneys, may be made by Commission staff by facsimile, hand delivery, overnight courier, mail, electronic mail, or any alternative permitted by Rule 4 of the Federal Rules of Civil Procedure, including letters rogatory, or as this Court may direct by further order.

**III.**

**IT IS HEREBY FURTHER ORDERED** that each defendant shall submit the following identifying information to the Commission within five days following service of this Order on that defendant: (i) all names by which each defendant is known; defendant's business and residence addresses; defendant's post office box numbers; electronic mail addresses; telephone numbers; and facsimile numbers; and defendant's nationality; and (ii) each account held by that defendant with any financial institution or brokerage at any time between January 1, 2007 and the present.

**IV.**

**IT IS HEREBY FURTHER ORDERED** that in lieu of the time periods, notice provisions, and other requirements of Rules 26, 30, 33, 34, 36 and 45 of the Federal Rules of Civil Procedure, and the Local Rules of this Court, discovery shall proceed on the following expedited basis: (i) the Commission is authorized to take depositions upon oral examination subject to three days notice pursuant to Rule 30(a) of the Federal Rules of Civil Procedure; (ii) all depositions in this action, unless properly noticed to take place elsewhere, shall be taken within the United States; (iii) Pursuant to Rule 33(a) of the Federal Rules of Civil Procedure, defendants shall answer the Commission's written discovery, including interrogatories and requests for production, within three days of service of such discovery; (iv) pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, defendants shall produce all documents requested by the Commission within three days of service of such request; and (v) all written responses to the Commission's discovery requests shall be delivered to the Commission at 100 F Street, N.E., Washington, D.C. 20549-4030, to the attention of Jan M. Folena, Assistant Chief Litigation Counsel, or such other place as counsel for the Commission may direct in writing, by overnight delivery.

V.

**IT IS HEREBY FURTHER ORDERED** that defendants and their officers, agents, servants, employees, and attorneys, including Merrill Lynch, are hereby restrained from destroying, mutilating, concealing, altering or disposing of any documents or other items, including any books, records, documents, agreements, correspondence, memoranda, and electronic data or communication in any form, relating to Defendants' direct or indirect purchase or sale of DJ stock during the period April 1, 2007 and the present.

VI.

**IT IS HEREBY FURTHER ORDERED** that defendants or their attorneys shall appear before this Court at 10:00 am on June 18, 2007, <sup>in RM 15C</sup> to show cause why this Court should not enter a preliminary injunction extending the asset freeze and other ancillary relief entered in this Order until a final adjudication of this case on the merits.

Defendants shall serve any papers in opposition to such relief by hand delivery or overnight courier service to the Commission's counsel, Jan M. Folena, Assistant Chief Litigation Counsel, Securities and Exchange Commission, 100 F Street, N.E., Washington, D.C. 20549-4010, fax number (202)772-9245, no later than three full business days before such hearing. The Commission may serve and file a reply no later than 24 hours before the hearing, and shall serve such reply brief, if any, on defendants or their attorneys by facsimile transmission, courier service or such other means as the Commission may reasonably determine will give defendants or their attorneys prompt delivery of these papers.

Date: May 8, 2007



UNITED STATES DISTRICT JUDGE