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9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA**
 11 **SOUTHERN DIVISION**

12 SECURITIES AND EXCHANGE
 13 COMMISSION,

14 Plaintiff,

15 vs.

16 EAGLE DEVELOPMENT
 17 ENTERPRISES, INC., a Nevada
 corporation; EAGLE STORAGE &
 18 DEVELOPMENT, LLC, an Arizona limited
 liability company; EAGLE AVIATION
 19 SALES & LEASING, LLC, a California
 limited liability company; MICHAEL J.
 20 BOWEN,

21 Defendants,

22 EAGLE ASSETS & MANAGEMENT,
 LLC, a California limited liability company;
 23 EAGLE HOUSING & DEVELOPMENT
 AZ, LLC, an Arizona limited liability
 company; EAGLE HOUSING &
 24 DEVELOPMENT, INC., a California
 corporation; EAGLE HELICOPTERS &
 25 AVIATION, INC., a California
 Corporation,

26 Relief Defendants.
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Case No. SACV09-1470 JVS (MLGX)

**ORDER GRANTING
 PRELIMINARY INJUNCTION AS
 TO DEFENDANT EAGLE STORAGE
 & DEVELOPMENT, LLC AND
 ORDERS: (1) FREEZING ASSETS;
 (2) REQUIRING ACCOUNTINGS;
 AND (3) PROHIBITING THE
 DESTRUCTION OF DOCUMENTS**

1 The Court, having considered the Commission’s Complaint; the Ex Parte
2 Application For A Temporary Restraining Order and Orders: (1) Freezing Assets,
3 (2) Requiring Accountings, (3) Prohibiting The Destruction Of Documents, (4)
4 Granting Expedited Discovery; And Order To Show Cause Re Preliminary
5 Injunction (the “Application”); the supporting Memorandum of Points and
6 Authorities; Declarations and Exhibits; and all other evidence and argument
7 presented regarding the Application; and finding that this Court has jurisdiction
8 over the parties to, and the subject matter of, this action, that the Commission has
9 demonstrated a probability of success on the merits and a possibility of dissipation
10 of assets in this case, and that defendant Eagle Storage & Development, LLC
11 (“Eagle Storage”) consented to this order, without admitting or denying the
12 allegations in the Commission’s Complaint, IT IS HEREBY ORDERED, for good
13 cause shown, as follows:

14 **I.**

15 IT IS ORDERED that the Commission’s request for a preliminary injunction
16 and orders: (1) freezing assets; (2) requiring accountings; and (3) prohibiting the
17 destruction of documents is hereby GRANTED.

18 **II.**

19 IT IS FURTHER ORDERED that defendant Eagle Storage, and its agents,
20 servants, employees, attorneys, subsidiaries and affiliates, and those persons in
21 active concert or participation with any of them, who receive actual notice of this
22 Order, by personal service or otherwise, and each of them, be and hereby are
23 preliminarily restrained and enjoined from, directly or indirectly, making use of
24 any means or instruments of transportation or communication in interstate
25 commerce or of the mails, to sell, to offer to sell, or to offer to buy any security, or
26 carrying or causing securities to be carried through the mails or in interstate
27 commerce, by any means or instruments of transportation, for the purpose of sale
28 or delivery after sale, in violation of Sections 5(a) and 5(c) of the Securities Act, 15

1 U.S.C. §§ 77(e)(a) and 77(e)(c).

2 **III.**

3 IT IS FURTHER ORDERED that defendant Eagle Storage and its agents,
4 servants, employees, attorneys, subsidiaries and affiliates, and those persons in
5 active concert or participation with any of them, who receive actual notice of this
6 Order, by personal service or otherwise, and each of them, be and hereby are
7 preliminarily restrained and enjoined from, directly or indirectly, in the offer or
8 sale of any securities, by the use of any means or instruments of transportation or
9 communication in interstate commerce or by use of the mails:

10 A. employing any device, scheme or artifice to defraud;

11 B. obtaining money or property by means of any untrue statement of a
12 material fact or any omission to state a material fact necessary in order
13 to make the statements made, in light of the circumstances under
14 which they were made, not misleading; or

15 C. engaging in any transaction, practice, or course of business which
16 operates or would operate as a fraud or deceit upon the purchaser
17 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

18 **IV.**

19 IT IS FURTHER ORDERED that defendant Eagle Storage and its agents,
20 servants, employees, attorneys, subsidiaries and affiliates, and those persons in
21 active concert or participation with any of them who receive actual notice of this
22 Order, by personal service or otherwise, and each of them, be and hereby are
23 preliminarily restrained and enjoined from, directly or indirectly, in connection
24 with the purchase or sale of any security, by the use of any means or
25 instrumentality of interstate commerce, or of the mails, or of any facility of any
26 national securities exchange:

27 A. employing any device, scheme, or artifice to defraud;

28 B. making any untrue statement of a material fact or omitting to state a

1 material fact necessary in order to make the statements made, in the
2 light of the circumstances under which they were made, not
3 misleading; or

4 C. engaging in any act, practice, or course of business which operates or
5 would operate as a fraud or deceit upon any person

6 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule
7 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

8 **V.**

9 IT IS FURTHER ORDERED that, except as set forth in Section VII below
10 or as otherwise ordered by this Court, defendant Eagle Storage, and its agents,
11 servants, employees, attorneys, subsidiaries and affiliates, and those persons in
12 active concert or participation with any of them, who receive actual notice of this
13 Order, by personal service or otherwise, and each of them, be and hereby are
14 preliminarily restrained and enjoined from, directly or indirectly, transferring,
15 assigning, selling, hypothecating, changing, wasting, dissipating, converting,
16 concealing, encumbering, or otherwise disposing of, in any manner, any funds,
17 assets, securities, claims, or other real or personal property, including any notes or
18 deeds of trust or other interests in real property, wherever located, of Defendants
19 Eagle Storage, Eagle Development Enterprises, Inc., and Eagle Aviation Sales &
20 Leasing, LLC (collectively “Defendants”) and relief defendants Eagle Assets &
21 Management, LLC, Eagle Housing & Development AZ, LLC, Eagle Housing &
22 Development, Inc., Eagle Helicopters & Aviation, Inc. (collectively “Relief
23 Defendants”), and their subsidiaries and affiliates, whether owned by, controlled
24 by, managed by or in the possession or custody of any of them and from
25 transferring, encumbering, dissipating, incurring charges or cash advances on any
26 debit or credit card or the credit arrangement, of Defendants and Relief
27 Defendants.

1 **VI.**

2 IT IS FURTHER ORDERED that, except as set forth in Section VII below
3 or as otherwise ordered by this Court, an immediate freeze shall be placed on all
4 monies and assets in all accounts at any bank, financial institution or brokerage
5 firm, all certificates of deposit, and other funds or assets, held in the name of, for
6 the benefit of, or over which account authority is held by Defendants, Relief
7 Defendants, or any trust, partnership, joint venture, person or entity affiliated with
8 them (including subsidiaries), including but not limited to the following accounts:
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Bank	Name on Account	Account no. (last 4 digits)
Bank of America	Eagle Storage & Development, LLC	9535
Bank of America	Eagle Development Enterprises, Inc.	3447
Bank of America	Eagle Helicopters & Aviation, Inc.	8755
Bank of America	Eagle Housing & Development	8152
Bank of America	Eaglestaff, Inc.	3344
Bank of America	Eagle Assets & Management, LLC	8891
Bank of America	Michael J. Bowen	2823 1565 3493 8890 7775 6475 3176 2228 3497
Bank of America	Via Verde Property Management, Inc.	0098
JP Morgan Chase/ Washington Mutual	Eagle Assets & Management, LLC	649-5

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1	JP Morgan Chase/ Washington Mutual	Eagle Development Enterprises, Inc.	620-5
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3	JP Morgan Chase/ Washington Mutual	Eagle Development Enterprises, Inc.	651-0
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5	JP Morgan Chase/ Washington Mutual	Eagle Aviation Sales & Leasing, LLP	603-1
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7	JP Morgan Chase/Washington Mutual	Michael J. Bowen	6548 751-8 867-9
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9			
10	Bank of America	TLW Co.	6056

11 **VII.**

12 IT IS FURTHER ORDERED that the asset freezes provided for in this
13 Order over the assets of defendant Eagle Storage & Development, LLC, (the
14 “Debtor”) shall be applicable even though the Debtor is presently subject to
15 chapter 7 bankruptcy proceedings in the United State Bankruptcy Court for the
16 District of Arizona (“Bankruptcy Court”) at Case No. 0:09–bk–07205–RJH.
17 Notwithstanding any other provisions of this Order, (1) the Bankruptcy Court’s
18 jurisdiction over the Debtor and assets of the Debtor’s estates is not limited or
19 affected by this Order, nor (2) are the duties and powers of the Debtor’s
20 bankruptcy Trustee, Maureen Gaughan (“Trustee”), over the Debtor or the assets
21 of these Debtor’s bankruptcy estate constrained, limited or in any way effected by
22 this Order. The Trustee shall provide notice to the Commission on all matters filed
23 in the Bankruptcy Court by the Trustee or her counsel.

24 **VIII.**

25 IT IS FURTHER ORDERED that Eagle Storage shall, within five days, of
26 the date of issuance of this Order, prepare and deliver to the Commission a detailed
27 and complete schedule of its assets, including all real and personal property
28 exceeding \$5,000 in value, and all bank, securities, futures and other accounts

1 identified by institution, branch address and account number. The accountings
2 shall include a description of the source(s) of all such assets. Such accountings
3 shall be filed with the Court and copies shall be delivered to the Commission's Los
4 Angeles Regional Office. After completion of the accounting, Eagle Storage shall
5 produce to the Commission's Los Angeles Regional Office, at a time agreeable to
6 the Commission, all books, records and other documents supporting or underlying
7 the accountings. To the extent Section VIII of this Order imposes any obligation
8 on the Trustee, that obligation is satisfied by providing the Commission with any
9 accountings filed by the Trustee with the Bankruptcy Court.

10 **IX.**

11 IT IS FURTHER ORDERED that, except as otherwise ordered by this
12 Court, Eagle Storage, and its agents, servants, employees, attorneys, subsidiaries
13 and affiliates, and those persons in active concert or participation with any of them,
14 who receive actual notice of this Order, by personal service or otherwise, and each
15 of them, be and hereby are preliminarily restrained and enjoined from, directly or
16 indirectly, destroying, mutilating, concealing, transferring, altering, or otherwise
17 disposing of, in any manner, any documents, which includes all books, records,
18 computer programs, computer files, computer printouts, contracts, correspondence,
19 memoranda, brochures, or any other documents of any kind in their possession,
20 custody or control, however created, produced, or stored (manually, mechanically,
21 electronically, or otherwise), pertaining in any manner to Defendants and Relief
22 Defendants.

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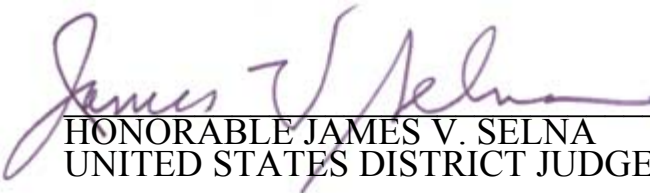
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X.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this action for the purpose of implementing and carrying out the terms of all orders and decrees which may be entered herein and to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

IT IS SO ORDERED.

DATED: December 22, 2009


HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

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