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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BIC REAL ESTATE DEVELOPMENT
CORPORATION and DANIEL R.
NASE, individually and d/b/a
BAKERSFIELD INVESTMENT
CLUB,

Defendants,

BIC SOLO 401K TRUST and
MARGARITA NASE,

Relief Defendants.

Case No. 1:16-CV-00344 LJO JLT

**TEMPORARY RESTRAINING
ORDER**

1 This matter comes before the Court upon the papers filed by Plaintiff Securities
2 and Exchange Commission for a Temporary Restraining Order and Orders (1)
3 Freezing Assets; (2) Prohibiting the Destruction of Documents; (3) Granting
4 Expedited Discovery; (4) Requiring Accountings; and (5) Appointing a Temporary
5 Receiver, and Order to Show Cause Re Preliminary Injunction and Appointment of
6 Receiver (the “TRO Motion”).

7 The Court, having considered the SEC’s Complaint, the TRO Motion, the
8 supporting Memorandum of Points and Authorities, the supporting declarations and
9 exhibits, finds that:

- 10 A. This Court has jurisdiction over the parties to, and the subject matter of,
11 this action.
- 12 B. The Commission has made a sufficient and proper showing in support of
13 the short duration of relief granted herein, as required by Section 20(b) of
14 the Securities Act of 1933 (“Securities Act”) (15 U.S.C. s 77t(b)) and
15 Section 21(d) of the Securities Exchange Act of 1934 (“Exchange Act”)
16 (15 U.S.C. § 78u(b)) by evidence establishing a *prima facie* case and
17 reasonable likelihood that BIC Real Estate Development Corporation and
18 Daniel R. Nase have engaged in, are engaging in, are about to engage in,
19 and will continue to engage in unless restrained transactions, acts,
20 practices and courses of business that constitute violations of Sections
21 5(a), 5(c) of the Securities Act of 1933 (15 U.S.C. §§ 77e(a), 77e(c));
22 Section 17(a) of the Securities Act (15 U.S.C. § 77q(a)); and Section
23 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. § 78j(b)) and
24 Rule 10b-5 thereunder (17 C.F.R. § 240.10b-5) and that Relief
25 Defendants BIC Solo 401k Trust and Margarita Nase are in possession of
26 the proceeds of those violations and have been unjustly enriched.
- 27 C. Good cause exists to believe that, unless restrained and enjoined by order
28 of this Court, Defendants and Relief Defendants will dissipate, conceal,

1 or transfer assets which could be the subject to an order directing
2 disgorgement or the payment of civil money penalties in this action. It is
3 appropriate for the Court to issue this Temporary Restraining Order so
4 that prompt service on appropriate financial institutions can be made,
5 thus preventing the dissipation of assets.

6 D. Good cause exists to believe that, unless restrained and enjoined by order
7 of this Court, Defendant may alter or destroy documents relevant to this
8 action.

9 E. Good cause exists to believe that expedited discovery is necessary.

10 **I.**

11 IT IS HEREBY ORDERED that the Commission's TRO Motion is
12 GRANTED IN PART as follows:

13 IT IS FURTHER ORDERED that Defendants BIC Real Estate Development
14 Corporation and Daniel R. Nase, and their officers, agents, servants, employees,
15 attorneys, subsidiaries and affiliates, and those persons in active concert or
16 participation with any of them who receive actual notice of this Order, by personal
17 service or otherwise (including any bank, financial institution or brokerage firm, or
18 third-party payment processor identified in Part VII below), and each of them, be and
19 hereby are temporarily restrained and enjoined from, directly or indirectly conducting
20 any further business of any nature or sort on any subject addresses in the complaint
21 filed on March 11, 2016, until a hearing has been heard on Tuesday, March 15, 2016
22 before the undersigned at 11:00A.M. in Department 4 of the Robert E. Coyle Federal
23 Courthouse located at 2500 Tulare, Fresno, CA, 93721.

24 This includes, but is not limited to transferring, assigning, selling,
25 hypothecating, changing, wasting, dissipating, converting, concealing, encumbering,
26 or otherwise disposing of, in any manner, any funds, assets, securities, claims or other
27 real or personal property, including any notes or deeds of trust or other interest in real
28 property, wherever of sale or for delivery after sale; or making use of any means or

1 instruments of transportation or communication in interstate commerce or of the
2 mails to offer to sell or offer to buy through the use or medium of any prospectus or
3 otherwise any security

4 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,
5 an immediate freeze shall be placed on all monies and assets (with an allowance for
6 necessary and reasonable living expenses to be granted only upon good cause shown
7 by application to the Court with notice to and an opportunity for the SEC to be heard)
8 in all accounts at any bank, financial institution or brokerage firm, or third-payment
9 payment processor, all certificates of deposit, and other funds or assets, held in the
10 name of, for the benefit of, or over which account authority is held by Defendants
11 BIC Real Estate Development Corporation and Daniel R. Nase and/or Relief
12 Defendants BIC Solo 401k Trust and Margarita Nase, including but not limited to the
13 accounts listed below:

BANK NAME	ACCOUNT NAME	ACCOUNT NUMBER
Wells Fargo Bank, N.A.	BIC Real Estate Development	xxxxxxx9425
Wells Fargo Bank, N.A.	Daniel Nase d/b/a Bakersfield Investment Club	xxxxxxx2516
Wells Fargo Bank, N.A.	Tier 1 Solar Power Company	xxxxxxx5320
Wells Fargo Bank, N.A.	WM Petroleum	xxxxxxx1609
Wells Fargo Bank, N.A.	Daniel Nase Margarita L Nase	xxxxxxx4058
Wells Fargo Bank, N.A.	Daniel Nase Margarita L Nase	xxxxxxx4066
Wells Fargo Bank, N.A.	Daniel Nase Margarita L Nase	xxxxxxx4074
Wells Fargo Bank, N.A.	Daniel Nase Margarita L Nase	xxxxxxx3977
Wells Fargo Bank, N.A.	BIC Solo 401K Trust and Margarita Argueta	xxxxxxx5874
Kern Schools Federal Credit Union	Daniel Nase Margarita Lizett Nase	xxxxxxx870
Kern Schools Federal Credit Union	Daniel Nase Margarita Lizett Nase	xxxxxxx9026

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Rabobank, N.A.	Property Management of Bakersfield and Margarita Nase	xxxxx7412
Wells Fargo Bank, N.A.	Daniel Nase dba Bakersfield Investment Club	xxxxxx0990
Wells Fargo Bank, N.A.	Daniel Nase	xxxxxxxxxxxxx4076
Wells Fargo Bank, N.A.	BIC Real Estate Development Corporation Daniel Nase	xxxxxxxxxxxxx7531
Wells Fargo Bank, N.A.	Los Angeles Investment Club Daniel Nase	xxxxxx2425
Wells Fargo Bank, N.A.	WM Petroleum	xxxxxx3254
Wells Fargo Bank, N.A.	Tier 1 Solar Power Company	xxxxxx7698
Wells Fargo Bank, N.A.	San Diego County Investment Club Kenneth L Potter Daniel Nase	xxxxxx0720
Wells Fargo Bank, N.A.	Ferndale Investment Club Marsie J. Sherwood Daniel E Nase	xxxxxx8297
Wells Fargo Bank, N.A.	Ferndale Investment Club Marsie J. Sherwood Daniel E Nase	xxxxxx0971
Wells Fargo Bank, N.A.	Los Angeles Investment Club Daniel Nase	xxxxxx7618
Wells Fargo Bank, N.A.	San Diego County Investment Club Kenneth L Potter Daniel Nase	xxxxxx1405
Wells Fargo Bank, N.A.	Daniel Nase dba Los Angeles Investment Club	xxxxxx7618
Wells Fargo Bank, N.A.	Bakersfield Real Estate Investors Brokerage Daniel Nase Gregory Lane	xxxxxx0897
Wells Fargo Bank, N.A.	Bakersfield Real Estate Investors Brokerage Daniel Nase	xxxxxx1617
Wells Fargo Bank, N.A.	Daniel Nase Kenneth M. Cooper Melissa A. Cooper	xxxxxx3413
Wells Fargo Bank, N.A.	Daniel Nase Kenneth M. Cooper Melissa A. Cooper	xxxxxx7323

1 Any bank, financial institution or brokerage firm, or third-party payment
2 processor holding such monies and assets described above shall hold and retain
3 within their control and prohibit the withdrawal, removal, transfer or other disposal of
4 any such funds or other assets except as otherwise ordered by this Court.

5 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,
6 an immediate freeze shall be placed on the title of the following properties, which
7 shall not be mortgaged, transferred, or otherwise hypothecated:

8	3205 Mesa Drive, Bakersfield, CA
9	2935 Shelly, Bakersfield, CA
10	2013 Pictoria Drive, Bakersfield, CA
11	343 Ray Street, Bakersfield, CA
12	400 Stirrup Avenue, Bakersfield, CA
13	2006 South I Street, Bakersfield, CA
14	8100 Lexington Avenue, Bakersfield, CA
15	3509 Meeks Avenue, Bakersfield, CA
16	1420 Canyon Court, Bakersfield, CA
17	8321 Pioneer Drive, Bakersfield, CA
18	2101 Fairfax Road, Bakersfield, CA
19	1504 Flower Street, Bakersfield, CA
20	2612 Security Avenue, Bakersfield, CA
21	2501 Lake Street, Bakersfield, CA
22	137 Bendix Street, Bakersfield, CA
23	3324 Gardenia Avenue, Bakersfield, CA
24	912 Meadows Street, Bakersfield, CA
25	1317 Wilson Avenue, Bakersfield, CA
26	533 Stephens Drive, Bakersfield, CA
27	1200 El Tejon Avenue, Bakersfield, CA
28	2126 Kentucky Street, Bakersfield, CA
	1401 Oneill Avenue, Bakersfield, CA
	137 North Stine Road, Bakersfield, CA
	1509 West Drive, Bakersfield, CA
	1413 Penny Street, Bakersfield, CA
	137 Dunlap Street, Bakersfield, CA
	2004 Quincy Street, Bakersfield, CA
	3217 Idaho Street, Bakersfield, CA
	940 Beaver Rise Drive, Bakersfield, CA
	212 E. Roberts Lane, Bakersfield, CA

1	410 Minner Avenue, Bakersfield, Ca
2	1300 Castaic Avenue, Bakersfield, CA
3	2813 Blade Avenue, Bakersfield, CA
4	409 Villa Street, Bakersfield, CA
5	5101 Dunsmuir Road, Bakersfield, CA
6	3409 Monterey Street, Bakersfield, CA
7	2617 Aberdeen Court, Bakersfield, CA
8	8304 Orange Blossom, Bakersfield, CA
9	3101 Idaho Street, Bakersfield, CA
10	2309 Elton Avenue, Bakersfield, CA
11	8913 Lanora Avenue, Bakersfield, CA
12	5201 Dunsmuir Road, Bakersfield, CA
13	3418 Gardenia Avenue, Bakersfield, CA
14	1108 Wilson Avenue, Bakersfield, CA
15	308 Camwood, Bakersfield, CA
16	1705 Doolittle Avenue, Bakersfield, Ca
17	609 Myrtle Street, Bakersfield, CA
18	3724 Verdugo Lane, Bakersfield, CA
19	3009 River Boulevard, Bakersfield, CA
20	1137 Mornington Avenue, Bakersfield, CA
21	9633 Staffordshire Way, Bakersfield, CA
22	3708 Stokes, Bakersfield, CA
23	715 Arvin Street, Bakersfield, CA
24	4216 Milo Avenue, Bakersfield, CA
25	8616 Butternut Avenue, Bakersfield, CA
26	11200 Cave Avenue, Bakersfield, CA
27	5612 Via Venezia, Bakersfield, CA
28	15025 Colonia De Las Rosas, Bakersfield, CA

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, each of the Defendants BIC Solo 401k Trust and Margarita Nase, and Relief Defendants BIC Solo 401k Trust and Margarita Nase, and their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those persons in active concert or participation with any of them, who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are temporarily restrained and enjoined from, directly or indirectly: destroying, mutilating,

1 concealing, transferring, altering, or otherwise disposing of, in any manner, any
2 documents, which includes all books, records, computer programs, computer files,
3 computer printouts, contracts, emails, correspondence, memoranda, brochures, or any
4 other documents of any kind in their possession, custody or control, however created,
5 produced, or stored (manually, mechanically, electronically, or otherwise), pertaining
6 in any manner to Defendants BIC Real Estate Development Corporation and Daniel
7 R. Nase and Relief Defendants BIC Solo 401k Trust and Margarita Nase.

8 Counsel shall meet and confer on Monday, March 14, 2016, to determine what,
9 if anything, can be agreed to concerning this case.

10 IT IS FURTHER ORDERED that at 11:00A.M. on March 15, 2016, or as soon
11 thereafter as the parties may be heard, the Defendants, and each of them, shall appear
12 before the Honorable Lawrence J. O'Neill, Judge of the United States District Court
13 for the Eastern District of California, to show cause, if there be any, why a
14 preliminary injunction should not be granted.

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

19
20 IT IS SO ORDERED.

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22 Dated: March 11, 2016

/s/ Lawrence J. O'Neill
23 UNITED STATES DISTRICT JUDGE
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