

1 FUTTERMAN DUPREE DODD CROLEY MAIER LLP
 JAMIE L. DUPREE (158105)
 2 JAIME G. TOUCHSTONE (233187)
 180 Sansome Street, 17th Floor
 3 San Francisco, CA 94104
 Telephone: (415) 399-3840
 4 Facsimile: (415) 399-3838
jdupree@fddcm.com
 5 jtouchstone@fddcm.com

6 *Attorneys for Receiver*
 Stephen E. Anderson

7
 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **SACRAMENTO**

11 SECURITIES AND EXCHANGE
 COMMISSION,

12 *Plaintiff*

13 v.

14 ANTHONY VASSALLO, et al,

15 *Defendants.*

Case No. CV 09-000665 LKK-DAD

**ORDER DIRECTING BANKS AND/OR
 FINANCIAL INSTITUTIONS TO
 PRODUCE DOCUMENTS
 CONCERNING EIMT FUNDS
 TRANSFERRED TO BAN EUROPA**

Judge Lawrence K. Karlton

17
 18 On April 30, 2009, this Court filed the Order Appointing Temporary Receiver for Equity
 19 Investment Management and Trading, Inc. (“EIMT”) and Order to Show Cause for Appointment
 20 of Permanent Receiver (“OAR”) and on July 31, 2009, the Court filed an Order permanently
 21 appointing Receiver. Pursuant to the OAR, for good cause shown, and in order to empower and
 22 authorize the Receiver to carry out his duties and obligations,

23 **THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:**

24 On October 7, 2008, defendant Anthony Vassallo transferred \$195,000 of investor funds
 25 from Veritas Investment LLC’s U.S. Bank Account Number XXXXXXXX2642 (“Veritas
 26 Account”) to Commerce Bank (now TD Bank) Account Number XXXXXX3742, an account
 27 which is held in the name of Ban Europa (“Ban Europa Account”). The \$195,000 was wired to
 28 Ban Europa in connection with a certificate of deposit “investment” facilitated by a company


1 called NCT Trading, LTD (“NCT Trading”) and its Chairman Edwin Westlake. Receiver
2 located a signed “Program Trade Agreement” entered into between Vassallo and NCT Trading,
3 but has been unable to discern any legitimate business reason for the transaction which did not
4 financially benefit the EIMT investors.

5 To facilitate Receiver’s investigation in tracing the disposition of EIMT investor funds,
6 any and all banks and/or financial institutions, including, but not limited to Commerce Bank
7 and/or TD Bank, are direct to provide information and documentation to Receiver tracing where
8 the \$195,000 withdrawn from the Veritas Account on October 7, 2008, went, including after its
9 deposit into the Ban Europa Account at Commerce Bank/TD Bank, including, but not limited to
10 all bank statements and other documentation reflecting receipts by, disbursements from, and
11 transfers to/from such account(s), account number(s) and account holder identification.

12 Any and all banks and/or financial institutions, including, but not limited to Commerce
13 Bank and/or TD Bank are hereby further directed to cooperate fully with Receiver in his
14 investigation and inquiries on behalf of this Court.

15 **IT IS SO ORDERED.**

16
17 Dated: April 13, 2011

18
19 
20 LAWRENCE K. KARLTON
21 SENIOR JUDGE
22 UNITED STATES DISTRICT COURT
23
24
25
26
27
28