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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.*
 16

Case No. CV 09-000665 LKK-DAD

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

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/prime bank note “investment” facilitated

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

5 This Court previously issued an order authorizing any and all banks and/or financial
6 institutions, including, but not limited to Commerce Bank and/or TD Bank, to provide
7 information and documentation to Receiver tracing the \$195,000 in investor funds transferred
8 from the Veritas Account to the Ban Europa Account (Doc. No. 407), which remains in full force
9 and effect. Receiver’s investigation has revealed that a portion of the \$195,000 in EIMT
10 investor funds was transferred from Ban Europa to Edwin Westlake during October 2008.

11 To further facilitate Receiver’s investigation in tracing the disposition of EIMT investor
12 funds, the Court directs any and all banks and/or financial institutions, including, but not limited
13 to Wells Fargo Bank and/or Wachovia, to provide information and documentation to Receiver
14 for accounts held by Edwin Westlake and his companies, NCT Trading, Westev WW
15 Commodities, LLC, and WestNyre Consulting, Inc., or for which Edwin Westlake has signing
16 authority, including, but not limited to Account Number XXXXXXXXXX1357. Such
17 documentation shall include, but is not limited to statements and other documentation reflecting
18 receipts by, disbursements from, and transfers to/from such account(s), account number(s) and
19 account holder identification.

20 Any and all banks and/or financial institutions, including, but not limited to Wells Fargo
21 Bank and/or Wachovia are hereby prohibited from notifying account holder(s), including, but not
22 limited to Edwin Westlake, NCT Trading, Westev WW Commodities, LLC, and WestNyre
23 Consulting, Inc. of this Order and are directed to cooperate fully with Receiver in his
24 investigation and inquiries on behalf of this Court.

25 **IT IS SO ORDERED.**

26 Dated: May 3, 2011

27 
LAWRENCE K. KARLTON
28 SENIOR JUDGE
UNITED STATES DISTRICT COURT