

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE CHRISTINE M. ARGUELLO**

Courtroom Deputy: Valeri P. Barnes  
Court Reporter: Darlene Martinez

Date: February 12, 2009

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Civil Action No. 09-cv-00217-CMA

Parties:

SECURITIES AND EXCHANGE COMMISSION,  
  
Plaintiff,

v.

ENTERPRISES, LLC,  
BRIAN V. PRENDERGAST,  
WORLDWIDE EQUITY CORPORATION,  
DONALD R. SMITH, and  
YUAIL I. ENWIA,  
  
Defendants.

Counsel:

Julie Lutz  
Rebecca Franciscus  
Mary Brady

Robert McAllister

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**COURTROOM MINUTES**

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HEARING: Preliminary Injunction

**1:28 p.m. Court in session.**

Also present: Defendant Donald R. Smith.

**Witness sworn and testified on behalf of the plaintiff: DEBORAH CARLSON:**

**1:58 p.m.** Direct examination by Ms. Brady.

2:22 p.m. Cross-examination.

2:29 p.m. Redirect examination by Ms. Brady.

**Exhibits received:** 1, 2, 3, 4, 5, 6, 7.

**2:32 p.m. Witness excused.**

**Witness sworn and testified on behalf of the plaintiff: KAREN NEWTON:**

**2:33 p.m.** Direct examination by Mr. Franciscus.

2:51 p.m. Questions by the Court.

**2:52 p.m. Court in recess.**

**3:17 p.m. Court in session.**

3:17 p.m. Cross-examination of Ms. Newton by Mr. McAllister.

3:26 p.m. Redirect examination by Ms. Franciscus.

**Exhibits received:** 21, 19, 20, 24, 23, 22, 42, 25.

**3:28 p.m. Witness excused.**

**Witness sworn and testified on behalf of the plaintiff: BARBARA YEARGAN:**

**3:30 p.m.** Direct examination by Ms. Lutz.

**Exhibits received:** 26, 27, Declaration of Rebecca L. Franciscus (Exhibit 9 to Doc. 14),  
30.

**3:44 p.m. Witness excused.**

**Witness sworn and testified on behalf of the plaintiff: IAN CARPEL:**

**3:45 p.m.** Direct examination by Ms. Lutz.

4:08 p.m. Cross-examination by Mr. McAllister.

4:23 p.m. Questions by the Court.

**Exhibit received:** 41.

**4:25 p.m. Witness excused.**

**Adverse witness sworn and testified on behalf of the plaintiff: DONALD R. SMITH:**

**4:27 p.m.** Direct examination by Ms. Brady.

4:48 p.m. Cross-examination.

4:53 p.m. Redirect examination by Ms. Brady.

4:55 p.m. Questions by the Court.

**Exhibit received:** 32.

**5:00 p.m. Witness excused.**

Argument.

**ORDER:** Plaintiff's Motion for Preliminary Injunction **(4)** is **granted** as reflected on the record. Signed Order to follow.

Counsel is directed to draft and submit a proposed Order.

**5:13 Court in recess/hearing concluded.**

Total in-court time: 3:20