

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

Courtroom Deputy: Valeri P. Barnes
Court Reporter: Terri Lindblom

Date: July 14, 2009

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,

Defendant.

Counsel:

Nancy Gegenheimer
Rebecca Franciscus
Julie Lutz

Robert McAllister
Bradford Lam

COURTROOM MINUTES

HEARING: Motions

9:02 a.m. Court in session.

Also present: Defendant Brian V. Prendergast.

The Court has received a copy of the Death Certificate of Yuail I. Enwia. Mr. Lam shall submit a certified copy as soon as he receives one.

ORDER: Mr. McAllister shall direct Citibank to deposit \$185,231.38 to the CRIS account on or before **July 17, 2009, 3:30 p.m.**

ORDER: Plaintiff's Motion for Show Cause Order and Certification Under

D.C.COLO.LCivR 7.1 (22) is **denied as moot**.

ORDER: Motion of Plaintiff for an Order Requiring a Full Accounting of All Funds Sent to Citywide Bank Related to this Matter (46) will be **withdrawn** as of July 17, 2009, 3:30 p.m.

ORDER: Defendant Yuail I. Envia's Motion for Limited Relief from Preliminary Injunction and Asset Freeze and D.C.Colo.LR 7.1 Certification (59) is **denied without prejudice**.

ORDER: Defendant Brian Prendergast's Motion for Distribution of Client Funds (61) is **denied**.

ORDER: Defendant Yuail I. Envia's Motion to Release Funds (62) is **denied**.

ORDER: Plaintiff's Corrected Motion of Plaintiff for Partial Distribution of Funds from CRIS Account to Investors (65) is **denied as moot**.

ORDER: Defendant Brian Prendergast's Third Motion for Distribution of Client Funds (66) is **denied**.

ORDER: Mr. Lam shall direct Wells Fargo to deposit \$692.47 to the CRIS account. Once the \$692.47 is deposited into the CRIS account, the Court's Order of February 13, 2009 freezing the funds held in the MOCSE Federal Credit Union '478434 account and the remaining funds held in the Wells Fargo account shall be **vacated** and those funds may be released.

The parties have stipulated as to the amounts to be distributed to the investors.

ORDER: The SEC shall file a final accounting as to the distribution of funds.

9:27 a.m. Court in recess/hearing concluded.

Total in-court time: 00:25