

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

Case No: 2:15-cv-237-FtM-38CM

DORIAN GARCIA, DG WEALTH
MANAGEMENT, MACROQUANTUM
CAPITAL LLC and UKUSA
CURRENCY FUND LP,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff U.S. Commodity Future Trading Commission's ("CFTC") Motion for Order to Show Cause ([Doc. #62](#)) filed on July 9, 2015. Yesterday, the Court held a Preliminary Pretrial Conference with all parties in attendance. At that Conference, Defendants' counsel, Burt H. Stutchin, conceded that Defendant Dorian Garcia ("Garcia") was in contempt of the Court's previous Orders and that the Court should adopt Plaintiff's proposed order on the instant Motion. As a result, the Court adopts the parties' jointly proposed order without modification.

Accordingly, it is now

ORDERED:

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the Court has no agreements with any of these third parties or their Web sites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

1. Garcia is in contempt of this Court's Statutory Restraining Order ("SRO") ([Doc. #11](#)) entered on April 15, 2015, and the Preliminary Injunction ("PI") entered on May 29, 2015 ([Doc. #49](#)). Both Orders contain, among other things, an asset freeze.
2. Specifically, Garcia has pledged assets by issuing checks drawn on bank accounts controlled by Garcia, to at least two DG Wealth investors totaling at least \$470,000 while the asset freeze was in place, and fraudulently telling those same two investors that Defendants Garcia and Macroquantum Capital LLC ("Macroquantum") currently have funds to repay them but are unable to do so only because of the "government" (the Court's asset freeze included in the SRO and PI). In fact, the total amount of funds in bank accounts and financial institutions for DG Wealth and Macroquantum at the time of the asset freeze was less than \$500 and the total frozen funds for all of Defendants' accounts is currently \$462.92.
3. Each of the Defendants is hereby:
 - (a) Ordered to notify all customers, clients, or investors of any of the Defendants (as defined in the Court's PI Order, including, but not limited to any d/b/a, successor, affiliate, subsidiary, or other entity owned, controlled, managed, or held by, on behalf of, or for the benefit of Dorian Garcia, DG Wealth Management, Macroquantum Capital LLC or UKUSA Currency Fund LP) to whom a contract, check, or other instrument has been issued on or after April 15, 2015, that these contracts, checks, or other instruments are null and void and any contract or pledge of assets to them by contract,

check, or any other instrument is rescinded, with copies of such notice served upon Plaintiff's counsel;

(b) Defendant Garcia agrees to appear for deposition at a location, time, and date as agreed to by the parties; and

(c) Each of the Defendants (as that term is defined in the Court's PI Order) are prohibited from making misrepresentations about the nature of the allegations or the Court's findings in this lawsuit or communicating anything related to the payment of refunds or the likelihood of, or mechanism for, the repayment of funds to customers, clients, or investors of any of the Defendants (as defined in the Court's PI Order), including directly or indirectly through other persons or entities.

4. Garcia may purge himself of the contempt by fulfilling all of the requirements of this Order and complying with all actions required in paragraph 3(a) within 30 days from the date of this Order.

5. In the event the Court determines that Garcia has failed to comply with this Order, a hearing will be held to consider whether more coercive measures are necessary to ensure compliance.

DONE and **ORDERED** in Fort Myers, Florida, this 14th day of July, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record