

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**THE TRUSTEES FOR THE IRON
WORKERS ST. LOUIS DISTRICT
COUNCIL PENSION TRUST,**

Plaintiffs,

v.

LE RAE M. EDWARDS,

Defendant.

Case No. 10-cv-73-DRH

TEMPORARY RESTRAINING ORDER

HERNDON, Chief Judge:

This matter is before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. Plaintiffs, through counsel, were present in Court for a hearing on the Motion. Defendant was present by phone along with a witness, her father-in-law Mr. Thomas Edwards.

Having considered Plaintiffs' Verified Complaint and the Motion as well as Plaintiffs' Memorandum in Support of their Motion, and the arguments presented at the hearing, the Court hereby finds that unless a Temporary Restraining Order issues, the Plaintiffs will suffer an irreparable injury which is the loss of equitable relief for the claims covered by the Verified Complaint if the proceeds at issue are dissipated and that Plaintiffs are likely to prevail on the merits of their claim.

IT IS HEREBY ORDERED that Plaintiffs' Motion for Temporary Restraining Order (Doc. 5) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant and any person holding or controlling traceable proceeds from the \$448,826.72 in Pension Plan payments, is temporarily enjoined and restrained from directly or indirectly transferring, disposing, or encumbering any portion of the traceable proceeds. Specifically:

Defendant is temporarily enjoined and restrained from directly or indirectly transferring, disposing, or encumbering the 2008 Pontiac Torrent which is owned by Defendant.

Defendant is temporarily enjoined and restrained from directly or indirectly transferring, disposing, or encumbering the property owned by Defendant which is located at 202 S. Park St., Ava, Illinois, 62907.

Defendant is temporarily enjoined and restrained from selling the property owned by Defendant which is located at 101 E. Knauer, Ava, Illinois 62907 for less than fair market value and that, if that property is sold, Defendant is required to pay the proceeds from any sale of the property into the Court's registry pending the determination of Plaintiffs' Complaint.

Defendant is temporarily enjoined and restrained from directly or indirectly transferring, disposing, or encumbering the assets held in any account owned by Defendant at First State Bank of Campbell Hill.

Defendant is temporarily enjoined and restrained from directly or indirectly transferring, disposing, or encumbering any other traceable proceeds from the \$448,826.72 in Pension Plan payments held in any savings account, checking account, retirement account, investment account, or any other financial account owned by Defendant.

IT IS FURTHER ORDERED a **hearing** on Plaintiffs' Motion for Preliminary Injunction is hereby set for **February 8, 2010 at 1:30 p.m.** in Courtroom 7, The William L. Beatty Memorial Courtroom, Third Floor, Melvin Price Federal Courthouse, 750 Missouri Avenue, East St. Louis, IL 62201.

IT IS FURTHER ORDERED that Plaintiffs' Oral Motion for Expedited Discovery is **GRANTED**. To the extent possible, responses to initial interrogatories or requests for productions shall be provided no later than 3 business days after the request is received or 11:00 am on February 8, 2010, which ever is later.

IT IS FURTHER ORDERED that Plaintiffs shall post a **bond** with the Clerk in the amount of **\$400,000.00** within 2 business days from the issuance of this Order.

IT IS SO ORDERED.

Signed this 1st day of February, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**