

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

U.S. Commodity Futures Trading Commission,

Civil No. 09-259 (DWF/AJB)

Plaintiff,

v.

**ORDER GRANTING MOTION  
FOR EXPEDITED DISCOVERY**

Charles E. Hays Jr., and Crossfire Trading LLC,

Defendants.

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Robyn A. Millenacker, Assistant United States Attorney, United States Attorney's Office; and Susan J. Gradman, Esq., U.S. Commodity Futures Trading Commission, counsel for Plaintiff.

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Plaintiff Commodity Futures Trading Commission ("Commission"), has filed a Complaint for preliminary and permanent injunction and other relief, and moved for an *Ex Parte* Statutory Restraining Order pursuant to Section 6c of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 13a-1 (2006). The Commission has also moved for expedited discovery pursuant to Rules 30(a), 30(b)(5) and 45 of the Federal Rules of Civil Procedure.

**THE COURT FINDS** that because of the nature of the situation, expedited discovery will permit the Commission to discover the existence and location of funds and assets and to prepare for such hearings as the Court may conduct in this matter.

**IT IS THEREFORE ORDERED** that the Commission's motion is granted and it is authorized to conduct expedited discovery in this matter.

**IT IS FURTHER ORDERED** that Plaintiff and Defendants are granted leave to take expedited discovery, including the taking of up to five depositions, and requesting the production of documents from Defendants not otherwise covered by this Court's order requiring the defendants to provide the Plaintiff with immediate access to their records, and the issuance of subpoenas. The discovery will be for the purpose of seeking the financial records of the Defendants, discovering the identity of customers, and the whereabouts of customer funds and preparing for hearing on Plaintiff's motion for a preliminary injunction.

**IT IS FURTHER ORDERED** that depositions of the parties shall be taken upon two (2) business days notice, and document production requests shall be responded to within two (2) business days. Non parties shall be given seven (7) days notice for depositions and document requests. Further, the Court will entertain motions pursuant to Rules 26(b)(2) and 30(d) during the course of these proceedings.

Dated: February 11, 2009

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court