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 DISTRICT OF NEVADA
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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

SECURITIES AND EXCHANGE
 COMMISSION,

 Plaintiff,

 vs.

 ASCENERGY LLC and
 JOSEPH (a/k/a JOEY) GABALDON,

 Defendants,

 PYCKL LLC and ALANAH
 ENERGY, LLC,

 Relief Defendants.

Case No.:

**ORDER GRANTING PLAINTIFF'S
 MOTION FOR PRELIMINARY
 INJUNCTION**

2:15-cv-01974-GMN-PAL

This matter came on before the Court this 29th day of October, 2015, on Plaintiff
 Securities and Exchange Commission's ("Commission") Motion for Preliminary Injunction
 against Defendants Ascenergy LLC and Joseph (a/k/a Joey) Gabaldon (collectively,
 "Defendants").

In the Motion the Commission seeks an order preliminarily enjoining Defendants from
 engaging in certain conduct in violation of the federal securities laws. Having considered the
 Commission's motion, supporting Memorandum of Law, exhibits, and the argument of counsel,
 if any, the Court finds:

1. This Court has jurisdiction over the subject matter of this action and over Defendants.

1 2. The Commission is a proper party to bring this action seeking the relief sought in
2 its Complaint and in its Motion.

3 3. There is good cause to believe that Defendants have engaged in acts and practices
4 which constitute violations of Section 17(a) of the Securities Act of 1933 ("Securities Act") [15
5 U.S.C. § 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15
6 U.S.C. §§ 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

7 4. There is good cause to believe that Defendants will continue to engage in the acts
8 and practices constituting the violations set forth above unless restrained and enjoined by order
9 of this Court.
10

11 5. There is good cause to believe that Defendants used improper means to obtain
12 investor funds and assets. There is good cause to believe that investor funds and assets obtained
13 through Defendants' unlawful activities have been misapplied and will be misappropriated,
14 wasted, or otherwise used to the detriment of investors. Furthermore, there is good cause to
15 believe that Defendants do not have sufficient funds or assets to satisfy the relief that might be
16 ordered in this action.
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18 6. The Commission has demonstrated a prima facie case that a violation of the
19 federal securities laws has occurred and a reasonable likelihood that the violations will be
20 repeated.

21 7. The Commission has demonstrated a probability of success on the merits, the
22 likelihood of irreparable injury, and that serious questions are raised and the balance of hardships
23 tips in favor of granting the relief sought.
24

25 8. The Commission has also demonstrated the likelihood of the dissipation of
26 investor assets and the likely inability to recover investor funds if relief is not granted.
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1 **IT IS THEREFORE ORDERED THAT:**

2 **PRELIMINARY INJUNCTION**
3 **(SECTION 17(a) OF THE SECURITIES ACT)**

4 Defendants and their officers, agents, servants, employees, attorneys, and all persons in
5 active concert or participation with them who receive actual notice of this Order by personal
6 service or otherwise, are restrained and enjoined in the offer or sale of any securities by use of
7 any means or instruments of transportation or communication in interstate commerce or by use
8 of the mails from, directly or indirectly:

- 9 (a) Employing any device, scheme, or artifice to defraud;
- 10 (b) Obtaining money or property by means of any untrue statement of a material fact or
11 any omission to state a material fact necessary in order to make the statements made,
12 in light of the circumstance under which they were made, not misleading; or
- 13 (c) Engaging in any transactions, practices or courses of business which operate or
14 would operate as a fraud or deceit upon any purchaser or prospective purchaser.

15 [Securities Act 17(a) (15 U.S.C. 77q(a))].

16 **PRELIMINARY INJUNCTION**
17 **(SECTION 10(b) OF THE EXCHANGE ACT AND RULE 10b-5)**

18 Defendants and their officers, agents, servants, employees, attorneys, and all persons in
19 active concert or participation with them who receive actual notice of this Order by personal
20 service or otherwise, are restrained and enjoined from making use of any means or
21 instrumentalities of interstate commerce or of the mails, or of any facility of a national security
22 exchange, directly or indirectly, in connection with the purchase or sale of any security:

- 23 (a) To employ any device, scheme, or artifice to defraud;
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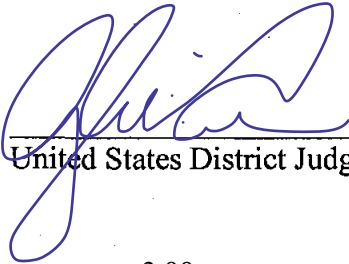
1 (b) To make any untrue statement of a material fact or to omit to state a material fact
2 necessary in order to make the statements made, light of the circumstances under
3 which they were made, not misleading;

4 (c) To engage in any act, practice, or course of business which operates or would operate
5 as a fraud or deceit upon any person; or

6 (d) To use or employ any manipulative or deceptive device or contrivance in
7 contravention of a rule or regulation prescribed by the Securities and Exchange
8 Commission.
9

10 [Exchange Act § 10(b) (15 U.S.C. § 78j(b)) and Rule 10b-5 (17 C.F.R. 240.10b-5)].
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13 IT IS SO ORDERED:

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16 United States District Judge

17 Signed at 3:00 ~~a.m.~~ /p.m. on October29, 2015.
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