

PACIFIC WEST HEALTH MEDICAL CENTER
INC. EMPLOYEES RETIREMENT TRUST, On
Behalf of Itself and All Others Similarly Situated,

Civil Action No. 09 CV 00134 (UA) 1-12-09

Plaintiff,

vs.

FAIRFIELD GREENWICH GROUP,
FAIRFIELD GREENWICH LIMITED,
FAIRFIELD GREENWICH (BERMUDA) LTD.,
FAIRFIELD GREENWICH ADVISORS LLC,
WALTER M. NOEL, JR., ANDRES
PIEDRAHITA, JEFFREY TUCKER, BRIAN
FRANCOUER, AMIT VIJVERGIYA, YANKO
DELLAW SCHIAVA, PHILIP TOUB,
LOURDES BARRENECHE, CORNELIS
BOELE, MATTHEW C. BROWN, VIANNEY
D'HENDECOURT, HAROLD GREISMAN,
JACQUELINE HARARY, DAVID HORN,
RICHARD LANDSBERGER, DAVID LIPTON,
JULIA LUONGO, MARK MCKEEFRY,
MARIA TERESA PULIDO MENDOZO,
CHARLES MURPHY, SANTIAGO REYES, and
ANDREW SMITH,

Defendants.

**ORDER TO
SHOW CAUSE RE PRELIMINARY
INJUNCTION; AND ORDER FOR
LIMITED EXPEDITED DISCOVERY**

TO: ALL DEFENDANTS

Following a review of Plaintiff's Motion for a Temporary Restraining Order ("TRO"), the Memorandum and Declaration in support thereof, the Verified Class Action Complaint, and following a hearing on the TRO; and it appearing to the Court that Plaintiff Pacific West Health Medical Center Inc. Employees Retirement Trust ("Plaintiff") and the Class have meritorious claims against Defendants, among other things, for recovery of placement fees, management fees,

~~and performance fees (the "Fees") paid to Defendants under a mutual mistake of fact that moneys invested with Bernard L. Madoff and Bernard L. Madoff Investment Securities LLC were being actually maintained in accounts for the benefit of the Fairfield Sentry Limited investment fund; Defendants may attempt to dissipate or transfer from the jurisdiction of the Court, funds, property and other assets that could be subject to an order of disgorgement or injunctive relief, there is no undue hardship to Defendants as this Order only seeks to preserve the status quo during the pendency of Plaintiff's motion for a preliminary injunction, Plaintiff and the Plaintiff Class will suffer immediate and irreparable harm in the absence of an injunction as the assets necessary to secure repayment of Fees are at risk of being dissipated; and the balancing of the hardships favors the Plaintiff. It further appears that an order requiring Defendants to provide a verified accounting of all assets, money and property held directly or indirectly by the Defendants, or by others for Defendants' direct and indirect beneficial interest is necessary to effectuate and ensure compliance with the freeze imposed on the Defendants' assets.~~

IT IS HEREBY ORDERED AS FOLLOWS:

1. You, and each of you, will show cause 2 p.m on January 15, 2009, or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable Victor Marrero located at 500 Pearl Street, New York, New York, why you, your officers, agents, servants, employees and attorneys, and all those in active concert or participation with you, should not be (i) directed to provide an accounting of the Fees paid to Defendants and enjoined during the pendency of this action from transferring, alienating, or otherwise dissipating or disposing of any property derived from the payment of Fees (as defined herein) within your possession, custody, or control valued in excess of \$25,000, and (ii) directed to provide an accounting for the assets

maintained by the Fairfield Sentry Limited investment fund and enjoined during the pendency of this action from transferring, alienating, or otherwise dissipating or disposing of any property of the Fairfield Sentry fund absent Court order.

2. ~~Pending hearing on the above Order to Show Cause, you, your officers, agents, servants, employees and attorneys, and all those in active concert or participation with you are hereby restrained and enjoined from alienating, dissipating or disposing of any property derived from the payment of Fees within your possession, custody or control.~~

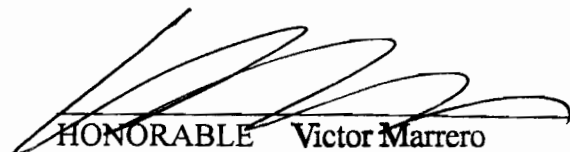
3. ~~Defendants are required within five (5) business days of this Order to respond to the Interrogatories and Document Request attached to Plaintiff's Declaration.~~

4. ~~No bond is required because there is no likelihood of harm to Defendants from issuance of this Temporary Restraining Order.~~

5. This Order to Show Cause and supporting papers must be served on Defendants no later than 3 days before the date set for hearing, and proof of service shall be filed no later than 2 days before the hearing. Any response or opposition to this Order to Show Cause must be filed and personally served on Plaintiff's counsel no later than 2 court days before the date set for hearing, and proof of service shall be filed no later than 1 court days before the hearing.

6. During the pendency of this action the parties shall be prohibited from the destruction, concealment, or alteration of documents.

Dated: January 9, 2009


HONORABLE Victor Marrero
UNITED STATES DISTRICT JUDGE