

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:15-cv-00081-MR**

U.S. COMMODITY FUTURES)
TRADING COMMISSION,)
)
 Plaintiff,)
)
 vs.)
)
OTC INVESTMENTS LLC, FOREX)
CURRENCY TRADE ADVISORS,)
LLC, and BARRY C. TAYLOR,)
)
 Defendants.)
_____)

ORDER

THIS MATTER is before the Court on the Plaintiff’s Motion and Memorandum of Points and Authorities to Modify or to Clarify Asset-Freeze Provisions of Preliminary Injunctions [Doc. 48].

As explained in the Plaintiff’s Motion, the Defendant Barry C. Taylor was ordered, in relevant part, to pay \$2,195,244.01 in restitution in a parallel criminal case involving the same conduct that led to the filing of this civil action. [See Criminal Case No. 1:16-cr-00002-MR-DLH (“CR”), Doc. 28: Judgment]. At the sentencing in that criminal case, Taylor, through counsel, agreed that certain limited funds that are currently held in the name of either Defendant Taylor or corporate Defendant Forex Currency Trade Advisors,

LLC, (“FCTA”)¹ shall be released and remitted to the Clerk of the Court. The Government, through the U.S. Attorney’s Office, and Taylor, agreed that these limited funds should be applied towards Taylor’s restitution obligation in the criminal case. The Plaintiff CFTC in this case has no objection to the release of such funds for this purpose.

The financial institutions that hold said funds are United Community Bank, with offices located at 257 E. Main Street, Franklin, NC 28734, and Gain Capital (also known as Forex.com), with offices located at 135 U.S. Highway 202/206, Suite 11, Bedminster, NJ 07921, and 100 S. Wacker Drive, Suite 1225, Chicago, IL 60606. The accounts and account balances at issue are as follows:

Table 1: United Community Bank Accounts

Account No. (last four digits)	Account Title	Balance
Account 9904	Forex Currency Trade Advisors LLC	\$2,986.84
Account 3386	Barry Taylor	\$29.38
	TOTAL FUNDS HELD	\$3,016.22

Table 2: Gain Capital (also known as Forex.com) Accounts

Account No. (last four digits)	Account Title	Balance
Account 7939	Forex Currency Trade Advisors LLC	\$15,842.75
Account 5501	Forex Currency Trade Advisors LLC	\$10,435.74
	TOTAL FUNDS HELD	\$26,278.49

¹ FCTA is a limited liability company wholly controlled by Defendant Barry C. Taylor.

For good cause shown, the Court will grant the Plaintiff's Motion and modify the Court's prior Orders of Preliminary Injunction so as to authorize and direct the aforementioned financial institutions, United Community Bank and Gain Capital, to release the above-described funds and remit such funds directly to the Clerk of the Court.

Accordingly, **IT IS, THEREFORE, ORDERED** that this Court's Orders of Preliminary Injunction against Defendants FCTA and OTC Investments LLC [Doc. 28] and against Defendant Barry Taylor [Doc. 31] are hereby modified to authorize and to direct United Community Bank and Gain Capital (also known as Forex.com) to release the funds and account balances listed above, and to remit such funds directly to the Clerk of the Court so that such funds may be applied towards Taylor's restitution obligation in the criminal case.

IT IS FURTHER ORDERED that payment of said funds should be made payable to the United States Clerk of Court and mailed to:

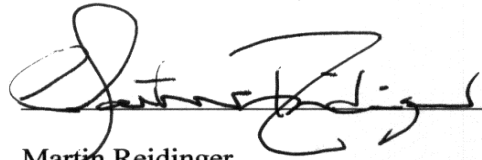
Clerk of the United States District Court
401 West Trade Street
Charlotte, NC 28202

The Plaintiff U.S. Commodity Futures Trading Commission shall serve a copy of this Order on the appropriate compliance officials of both financial institutions forthwith to ensure that they receive timely notice of this Order.

In order to ensure that each payment is credited properly, the following should be included on each check: Criminal Case No. 1:16-cr-00002.

IT IS SO ORDERED.

Signed: August 14, 2016


Martin Reidinger
United States District Judge

