

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

vs.

JAMES HARVEY MASON,

Defendant,

THE JHM FOREX ONLY POOL and
FOREX TRADING AT HOME,

Relief Defendants.

CASE NO. 3:13 CV 196-GCM

**[PROPOSED] ORDER TO STAY PROCEEDINGS REQUIRING PARTICIPATION OF
JAMES HARVEY MASON**

On May 20, 2013, Plaintiff Commodity Futures Trading Commission (“CFTC”), Defendant James Harvey Mason, and Relief Defendants, The JHM Forex Only Pool and Forex Trading at Home, jointly moved to stay proceedings requiring Mr. Mason’s participation, including discovery proceedings, until the parallel criminal case against Mr. Mason is resolved. For the reasons stated in the joint motion, for good cause shown, and pursuant to its inherent case management power, this Court orders that:

1. The proceedings requiring Mr. Mason’s participation, including discovery proceedings, are stayed until the criminal case against Mr. Mason is resolved. Accordingly, Mr. Mason need not provide an accounting for himself or for the Relief Defendants, or otherwise testify, respond to discovery requests, or make statements on his own behalf.

2. Insofar as they do not seek to compel Mr. Mason to testify or respond to discovery, the court-appointed Receiver and its representatives can continue to identify, collect, and maintain assets consistent with prior Court orders and the preliminary injunction requested by the CFTC. This process extends to liquidation of assets insofar as it is reasonably necessary to preserve the value of the Receivership.

3. This Order does not affect the rights of any third parties who have a claim or interest in any specific property that the Receiver may attempt to collect, maintain, or liquidate.

4. The Court will hold quarterly telephonic status conferences regarding the state of the case to ensure that the stay is appropriately tailored and properly enforced.

IT IS SO ORDERED.


U.S. District Court Judge

Date: May 22, 2013