

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, Receiver for ABC §
VIATICALS, INC. and Related Entities, §

Plaintiff, §

vs. §

Civil Action No.: 3:07-CV-0421-P

INTERNATIONAL FIDELITY & SURETY §
LIMITED, INTERNATIONAL CONSULTANTS §
& MANAGEMENT LTD., SURETY §
MARKETING SOURCE, LLC, KPMG §
VANUATU, HAWKES LAW, KPMG §
INTERNATIONAL, BOSWELL, DERMOTT & §
PAWLETT, LLP, MOHAN & ASSOCIATES, §
DAVID A. GOLDENBERG, DAG §
INVESTMENTS, LLC, LPG INVESTMENTS, §
LLC, WED MARKETING, LLC, GALAX §
HOLDINGS, LTD., MARK WOLOK, LINDA §
WOLOK and ARIE KOTLER. §

ECF

Defendants §

FIRST AMENDED AGREED PRELIMINARY INJUNCTION

On this 1st day of May, 2007, the Court considered the Motion for Preliminary Injunction filed by the Plaintiff in these proceedings (“Receiver”), at which time various parties in interest appeared before the Court to announce that an agreement with respect to the requested preliminary injunction had been reached. The Court, being familiar with the pleadings and papers on file herein and having considered the agreement announced, was of the opinion, and so found, that it should become the Order of this Court. Accordingly,

IT IS HEREBY ORDERED:

1. That this Court’s Temporary Restraining Order and Order Setting Preliminary Injunction entered on April 17, 2007 at 1:10 o’clock p.m. [Dkt. No. 32] is hereby converted into

a Preliminary Injunction, pending final trial in these proceedings, subject to the modifications set forth below;

2. The entry of the Preliminary Injunction as set forth herein is without prejudice to any party at interest seeking relief from the provisions of the Preliminary Injunction for good cause shown;

3. On or before May 11, 2007, Defendant David A. Goldenberg shall provide a sworn financial statement to the Receiver, which shall be comprehensive as to all assets in which he has any interest. In connection therewith, David A. Goldenberg shall also provide to the Receiver documentation regarding the source of purchase funds for any assets acquired by him since January 1, 2002 that exceeded \$30,000.00 in acquisition value;

4. Account No. 2000165 at the Bank of Birmingham in the name of David A. Goldenberg and Lisa Portney-Goldenberg shall be promptly unfrozen and otherwise released from the Temporary Restraining Order in a commercially reasonable manner;

5. On a weekly basis beginning on May 11, 2007, Defendant David A. Goldenberg shall provide to the Receiver via telecopy or email a true and correct copy of the bank statement (or bank account activity) for account No. 2000165 at the Bank of Birmingham for the preceding one week;


6. Defendants David A. Goldenberg, DAG Investments, LLC, LPG Investments, LLC, WED Marketing, LLC, and Surety Marketing Source, LLC, shall provide to the Receiver or allow access to true and correct copies of all books and records relating to each of the foregoing entities since February, 2002. Subsequent to providing such information to the Receiver, should the Receiver have any questions regarding the documents produced, the

Defendants agree to provide timely and accurate answers to the Receiver's inquiries through counsel;

7. All other bank accounts heretofore frozen by virtue of the Court's issuance of the Temporary Restraining Order shall continue to remain frozen subject to further Order of this Court unless one or more of the Defendants is able to convince the Receiver that one or more of the Defendants are engaged in legitimate, non-fraudulent business activities or in the event any Defendant successfully petitions the Court to release the freeze on any such account;

8. It is further ordered that the Receiver, as an officer of the Court, is not required to post a bond under the terms of Rule 65(c) of the Federal Rules of Civil Procedure.

SO ORDERED this 3rd day of May, 2007 at 3:55 o'clock p.m.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE

Agreed as to form:

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