FILED

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

2005 JAN 11 A 9:32

Alexandria Division

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	1:05CR12
	)	
1) CHRISTOPHER J. BENYO,	)	
2) CHARLES E. JOHNSON, JR.	)	
3) JOSEPH MICHAEL KENNEDY,	)	
4) JOHN P. TULI,	)	
5) KENT D. WAKEFORD, and	)	
6) SCOTT E. WIEGAND,	)	
	)	
Defendants.	)	

RESTRAINING ORDER

This matter having come before this Court on the motion of the United States of America for a restraining order pursuant to Title 21, United States Code, Section 853(e)(1)(A), which provides courts with jurisdiction to enter restraining orders and take such other action in connection with any property or other interest subject to forfeiture to ensure its availability for forfeiture, and pursuant to this Court's inherent power to make orders necessary and proper to the orderly carrying on of litigation brought within the Court's jurisdiction; and

IT APPEARING TO THE COURT THAT:

a criminal indictment has been brought against the defendants for wire fraud, in violation of Title 18, United States Code, Section 1343, and securities fraud, in violation of Title 15, United States Code, Section 78ff, which carries a penalty of forfeiture, and certain property with respect to which this order is sought has been named in the indictment as subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c),

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, PURSUANT TO 21 U.S.C. § 853(e)(1)(A), THAT:

THAT THE DEFENDANTS, their agents, representatives, servants, employees, attorneys, family members and those persons in active concert or participation with them, and anyone holding property, both real or personal, including escrow and bank accounts, for them, be and are hereby ENJOINED AND RESTRAINED from selling, transferring, assigning, pledging, distributing, giving away, encumbering or otherwise participating in the disposal of (by transfer of stock or otherwise) or removal from the jurisdiction of this Court, or removal from any checking or savings account of all or part of a defendants' interest, direct or indirect, in all property, real or personal, of the defendants, without prior approval of the court upon notice to the United States and an opportunity for the United States to be heard, except as specified in this Order. The United States is hereby authorized to record a notice of *lis pendens* on the real property named in the Indictment, or file any other documents to ensure the property is preserved for forfeiture.

The property subject to this order includes, but is not limited to, each defendants' interest, whether joint or exclusive, in any BANK ACCOUNT, REAL PROPERTY, CURRENCY, PERSONAL PROPERTY, BUSINESS ENTITY, or FINANCIAL INSTRUMENT, including the properties listed in Attachment A.

Should a defendant desire to transfer, convey, liquidate or encumber any property, and if the United States consents to such action, said action may take place upon condition that all sale proceeds shall be placed in escrow in an account(s) approved by counsel for the government. In the event that forfeiture is ultimately ordered, any funds received from the sale of property for the actual property forfeited shall be substituted for the actual property and such funds shall also be available to satisfy an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p).

If any defendant demonstrates that assets of a value exceeding the value of assets described in the Indictment has been restrained, the Court will review the execution of this order as it applies to that defendant and make an appropriate determination and consider modification of this restraining order in relation to that defendant's property interests.

RESTRAINT OF ASSETS
HELD AT FINANCIAL INSTITUTIONS

IT IS HEREBY ORDERED that the accounts and other property of the defendants maintained at United States financial institutions be and the same are "frozen". The United States financial institutions are directed to prevent and are otherwise enjoined from transferring (by wire or otherwise), conveying or disposing of all monies or other property currently within any accounts or safe deposit boxes of the defendants. In ordering the financial institutions to "freeze" all the accounts, it is the intention of the court that the financial institutions shall not honor any demands by the correspondent banks to release any money nor shall the financial institutions honor any checks or other negotiable instruments drawn on the accounts of the specific banks, if to do so would reduce the balance of the account below the "amount frozen".

It is DIRECTED that all United States financial institutions which maintain accounts identified herein shall immediately inform the government agents who serve the certified copies of this order, of the account balances on the date of service. The respective financial institutions are further DIRECTED to continue to receive and credit monies to the defendants' accounts.

Further, defendants are hereby ORDERED to repatriate any funds they own in foreign financial institutions and deposit such funds with the United States Marshals Service, pursuant to Title 21, United States Code, Section 853(e)(4)(A).

The court also DIRECTS that the United States serve a certified copy of this order on each affected financial institution.

The United States is authorized and directed to serve a copy of this order on each defendant, counsel for all defendants, and any other entity or individual the government believes may be in control or possession of property of any defendant.

The terms of this Order shall remain in full force and effect until further Order of this Court, pursuant to Title 21, United States Code, Section 853(e)(1).

So ORDERED this 11th day of January, 2005

UNITED STATES DISTRICT JUDGE

WE ASK FOR THIS:

Charles Connolly

Charles Connolly
Dana Boente
Assistant United States Attorney

ATTACHMENT A

1. With respect to defendant CHARLES E. JOHNSON, JR., the following property:
   a. a sum of money equal to the amount of proceeds obtained as a result of the conspiracy, securities fraud and wire fraud offenses, for which the defendants are jointly and severally liable;
   b. real property known as 8801 Palm Greens Ct., Las Vegas, NV 89134.
2. With respect to defendant KENT D. WAKEFORD, the following property:
   a. a sum of money equal to the amount of proceeds obtained as a result of the conspiracy, securities fraud and wire fraud offenses, for which the defendants are jointly and severally liable;
   b. all funds contained in AOL Time Warner IRA Savings Plan maintained at Fidelity, account number 207-298000;
   c. all funds contained in E*Trade Securities LLC account number 1095-4310;
   d. all funds contained in Citibank account number 80452276.
3. With respect to defendant SCOTT E. WIEGAND, the following property:
   a. a sum of money equal to the amount of proceeds obtained as a result of the conspiracy, securities fraud and wire fraud offenses, for which the defendants are jointly and severally liable;
   b. real property known as 912 Cypress Ridge Lane, Las Vegas, Nevada, 89144;
   c. all funds contained in Vanguard account number 09959204783.
4. With respect to defendant JOHN P. TULI, the following property:
   a. a sum of money equal to the amount of proceeds obtained as a result of the conspiracy, securities fraud and wire fraud offenses, for which the defendants are jointly and severally liable;
   b. all funds contained in State Street Bank account number 52020777;

c. all funds contained in State Street Bank account number 52020776;

5. With respect to defendant JOSEPH MICHAEL KENNEDY, the following property:

a. a sum of money equal to the amount of proceeds obtained as a result of the conspiracy, securities fraud and wire fraud offenses, for which the defendants are jointly and severally liable;

b. all funds contained in Merrill Lynch account number 74796457;

c. all funds contained in Bank of America account number 0049-6137-8699;

d. all funds contained in Fidelity MML Investors Services Inc. account number BMA531260.

6. With respect to defendant CHRISTOPHER J. BENYO, the following property:

a. a sum of money equal to the amount of proceeds obtained as a result of the conspiracy, securities fraud and wire fraud offenses, for which the defendants are jointly and severally liable;

b. real property known as 8 Rubaiyat Ct., Greer, South Carolina 29650;

c. all funds, contained in Sanford C. Bernstein Co. LLC account number 03751722;

d. all funds contained in Sanford C. Bernstein Co. LLC account number 03751723;

e. a 2001 Porsche Boxster bearing VIN WPOCB29841U664470.