

ENTERED

February 28, 2023

Nathan Ochsner, Clerk

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

MARCUS TODD BRISCO, YAS
CASTELLUM LLC, YAS CASTELLUM
FINANCIAL LLC, TIN QUOC TRAN,
FRANCISCO STORY, FREDIRICK
SAFRANKO, a/k/a TED SAFRANKO,
SAEG CAPITAL GENERAL
MANAGEMENT LP, and MICHAEL
SHANNON SIMS,

Defendants.

CIVIL ACTION NO. H-23-336

**ORDER
PARTIALLY LIFTING
ASSET FREEZE AS TO DEFENDANT
FRANCISCO STORY,
SETTING EXPEDITED DISCOVERY
DEADLINES,
AND RESETTING PRELIMINARY
INJUNCTION SHOW CAUSE
HEARING**

This matter came before the Court on Defendant Francisco Story's ("Defendant") Motion for Reconsideration of the Court's Order Dated February 6, 2023 (the "SRO Order"), which granted Plaintiff Commodity Futures Trading Commission's Motion for a Statutory Restraining Order. Having considered Defendant's Motion for Reconsideration [ECF # 23], Plaintiff's Response to Defendant's Motion [ECF # 17], and the arguments presented by counsel during the February 22, 2023 hearing, the Court finds good cause to modify without prejudice the SRO Order to provide partial relief from the asset freeze to Defendant Story, subject to the following stipulations by the parties:

THEREFORE, IT IS HEREBY ORDERED that the asset freeze will be lifted for accounts titled in the name of, held for the benefit of, or under the control of UA Aviation Company LLC and IK Enterprise Holdings LLC. Further, the asset freeze will be lifted for accounts titled in the name of, held for the benefit of, or under the control of Pilot Traders, LLC, with the exception of the brokerage account ending in *9224 held at Straits Financial which will remain frozen.


The partial lifting of the asset freeze for the above accounts is subject to the following stipulations by the parties:

- Defendant agrees not to dissipate assets currently held in accounts titled in the name of, held for the benefit of, or under the control of Pilot Traders, LLC, UA Aviation Company LLC, and IK Enterprise Holdings LLC; Defendant may pay reasonable business expenses and collect revenues in the ordinary course of business, but agrees not to make distributions to owners or otherwise distribute or transfer any profits out of the accounts.
- The Court-appointed Temporary Receiver, Kelly Crawford, will be added to all accounts titled in the name of, held for the benefit of, or under the control of PT Adventures LLC, Pilot Traders, LLC, UA Aviation Company LLC, and IK Enterprise Holdings LLC, so that he can monitor the activity in these accounts;
- Defendant agrees to produce all outstanding expedited discovery items responsive to Plaintiff's First Set of Requests for Production to Defendant Francisco Story, as agreed-upon by the parties during their conference at the February 22, 2023 hearing, no later than March 1, 2023, and
- Defendant agrees to be deposed pursuant to expedited discovery on March 8, 2023.

IT IS FURTHER ORDERED that the asset freeze will remain in place as to Defendant Francisco Story other than as specified above;

IT IS FURTHER ORDERED that the Hearing to Show Cause Why a Preliminary Injunction Should Not Issue, shall be set for **8:00 a.m., Monday, March 20, 2023**.

SIGNED on February 28, 2023, at Houston, Texas.



Lee H. Rosenthal
United States District Judge