

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION

A. HEATH ABSHURE,
ARKANSAS SECURITIES COMMISSIONER

PLAINTIFF

vs.

No. 60CV-13-1701

THOMAS E. JAMES;
TJAMES INVESTMENT SERVICES

DEFENDANTS

TEMPORARY RESTRAINING ORDER

The Plaintiff, A. Heath Abshure, Arkansas Securities Commissioner, having filed his Complaint for *Ex Parte* Temporary Restraining Order and Other Relief in this matter pursuant to Ark. Code Ann. §§ 23-42-209(a)(3) and (b), and having applied for an *ex parte* temporary restraining order without notice to the Defendants pursuant to Arkansas Rule of Civil Procedure 65, and submitted a Memorandum Brief in support thereof, and the Court having considered the Complaint, the Memorandum Brief, and all materials and exhibits filed in support thereof, and being fully advised in the premises, finds as follows:

1. This Court has jurisdiction of the subject matter and there is good cause to believe that this Court will have jurisdiction over all parties hereto.
2. There exists good cause to believe that the Commissioner will ultimately succeed in establishing that the above-named Defendants have engaged in, and are likely to engage in, acts and practices that violate the Arkansas Securities Act ("Act"), codified at Ark. Code Ann. §§ 23-42-101 through 23-42-509, and thus prevail on the merits.
3. There exists good cause to believe that the Court's ability to grant effective final relief for investors in the form of monetary redress from the sale, transfer, destruction,

concealment, or other disposition of the Defendants' assets or records will suffer immediate and irreparable damage unless the Defendants are immediately restrained or enjoined forthwith and without notice.

4. There exists good cause to believe that there is a strong likelihood that investor funds may be lost to the detriment of those investors if the issuance of this temporary restraining order, order preventing the destruction and spoliation of evidence, order freezing assets, and order for accounting is delayed until notice is given to the Defendants.

5. No security is required of the Plaintiff for the issuance of a restraining order as the Arkansas Securities Department is an agency of the State of Arkansas pursuant to Ark. R. Civ. P. 65(d), and no bond may be required of the Plaintiff in seeking the relief sought herein pursuant to Ark. Code Ann. § 23-42-209(a)(5).

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Defendants; their agents; servants; employees; assigns; and those persons acting on their behalf, under their direction and control and/or in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, be and hereby are, until further notice of this Court restrained from:

- (a) Offering or selling any security in this state;
- (b) Transacting business in this state as broker-dealers or agents;
- (c) Directly or indirectly employing any device, artifice, or scheme to defraud in this state;
- (d) Directly or indirectly making untrue statements of material facts in connection with the offer, sale, and/or purchase of securities from or in this state or omitting

to state material facts necessary in order to make statements made, in light of the circumstances under which they are made, not misleading, in connection with the offer, sale, and/or purchase of securities from or in this state;

- (e) Directly or indirectly engaging in any act, practice or course of business which operates or would operate as a fraud or deceit on any person, in connection with the offer, sale, and/or purchase of securities from or in this state.

II.

IT IS FURTHER ORDERED that the Defendants; their agents; servants; employees; assigns; and those persons acting on their behalf, under their direction and control and/or in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, be and hereby are, until further notice of this Court restrained from tampering with, mutilating, altering, erasing, concealing, removing, destroying, or otherwise disposing of any and all books, records, documents, files, correspondence, computer disks, tapes, or other data recordings of any type, pertaining to or referring to the Defendants or any financial transactions by the Defendants or to which the Defendants were parties.

III.

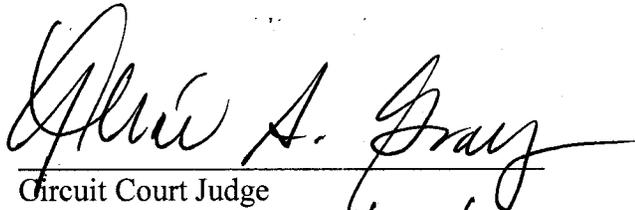
IT IS FURTHER ORDERED that pending determination of the application for permanent injunction, the assets of Defendants Thomas E. James and TJames Investments Services be, and hereby are, frozen. The freeze shall include, but not be limited to, those funds located in any bank, depository institution, or securities brokerage account. It shall also apply to accounts in the name of any individuals or entities controlled by the Defendants Thomas E. James and TJames Investments Services, or over which said Defendants have signatory or other designated authority, if the funds are derived to any extent from the activities alleged in the

Plaintiff's Complaint. All banks or other financial institutions served with a copy of this Order shall cooperate with the Arkansas Securities Department in relation to the implementation of this Order, including imposing a freeze on all assets and producing any and all records related thereto. Facsimile transmission shall constitute service on the banks or other depository and financial institutions or securities brokerage firms.

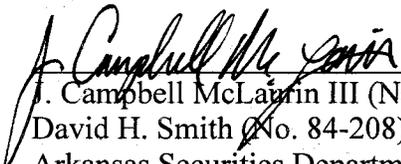
IV.

IT IS FURTHER ORDERED that a hearing is hereby set at 10:00 A.M. on the 24~~th~~ day of April, 2013, at the Twelfth Division Pulaski County Circuit Court, Pulaski County Courthouse, 401 West Markham Street, Room 350, Little Rock, Arkansas 72201, at which time the Defendants may seek the dissolution of this Temporary Restraining Order and the Plaintiff may seek a permanent injunction and other equitable relief.

IT IS SO ORDERED.


Circuit Court Judge
Dated: 4/19/13

PRESENTED BY:


J. Campbell McLain III (No. 08-280)
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