

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

My Big Coin Pay, Inc., Randall Crater, and Mark
Gillespie,

Defendants,

Kimberly Renee Benge, Kimberly Renee Benge
d/b/a Greyshore Advertisement a/k/a Greyshore
Advertiset, Barbara Crater Meeks, Erica Crater,
Gryshore, LLC, Greyshore Technology, LLC,

Relief Defendants.

Case No. 18-CV-10077-RWZ

[PROPOSED]

**CONSENT ORDER OF PRELIMINARY INJUNCTION AND OTHER ANCILLARY
RELIEF AS TO CERTAIN DEFENDANTS AND CERTAIN RELIEF DEFENDANTS**

On January 16, 2018, Plaintiff Commodity Futures Trading Commission (“Plaintiff” or “Commission”) filed a Complaint For Injunctive and Other Equitable Relief and For Civil Monetary Penalties Under the Commodity Exchange Act and Commission Regulations (“Complaint”) against Defendants My Big Coin Pay, Inc., Randall Crater, and Mark Gillespie (collectively “Defendants”) and Relief Defendants Kimberly Renee Benge (“Benge”), Kimberly Renee Benge d/b/a Greyshore Advertisement a/k/a Greyshore Advertiset (“Gryshore Advertisement”), Barbara Crater Meeks (“Meeks”), Erica Crater, Greyshore, LLC, and Greyshore Technology, LLC (collectively “Relief Defendants”). On January 16, 2018, the Court entered an order granting Plaintiff’s Motion for an *Ex Parte* Temporary Restraining Order, which

froze Defendants' and Relief Defendants' existing "funds, assets or other property, or funds, assets or other property acquired after the effective date of this Order", wherever found, and prohibited Defendants and Relief Defendants from destroying books and records.

Defendants My Big Coin Pay, Inc., and Randall Crater ("Certain Defendants") and Relief Defendants Erica Crater, Greyshore, LLC and Greyshore Technology LLC (collectively "Consenting Defendants"), without admitting or denying the allegations of the Complaint for the purposes of this Order, except as to jurisdiction and venue, which they admit only for the limited purposes of this Order, consent to the entry of this Order and state that their consent is entered voluntarily and that no promise or threat has been made by the Commission or any member, officer, agent, or representative thereof, to induce Consenting Defendants to consent to this Order.

I. THE PARTIES AGREE AND THE COURT FINDS that:

1. Consenting Defendants acknowledge receipt of the Summons and Complaint.
2. Consenting Defendants waive the entry of findings of fact and conclusions of law in this Order under Federal Rule of Civil Procedure 52(a)(2).
3. For the purposes of this Order, the following definitions apply:
 - a. "Assets" means any legal or equitable interest in, right to, or claim to, any real or personal property, whether individually or jointly, directly or indirectly controlled, and wherever located, including, but not limited to: chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts (including, but not limited to, bank accounts and accounts at other financial institutions), credits, receivables, lines of contracts, insurance policies, and all cash, wherever located, whether within or outside the United States.

b. The term “document” is synonymous in meaning and equal in scope to the broad usage of the term in Federal Rule of Civil Procedure 34(a).

II. CONTINUATION OF ASSET FREEZE

THE CONSENTING DEFENDANTS AGREE AND IT IS HEREBY ORDERED that:

4. Consenting Defendants, and their officers, agents, servants, employees, successors, assigns, and all persons in active concert or participation with Consenting Defendants who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from directly or indirectly transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any assets, wherever located, including Consenting Defendants’ Assets held outside the United States, except as specified herein and otherwise ordered by the Court.

5. Until further Orders of the Court, Consenting Defendants are restrained and enjoined from directly or indirectly opening or causing to be opened any safe deposit boxes titled in the name of, or subject to, access by Consenting Defendants, except as otherwise ordered by the Court.

6. This Order shall apply to all Assets that were in existence through January 16, 2018 (the date that this Court granted the Plaintiff’s Motion for an *Ex Parte* Temporary Restraining Order), and any Assets that came into existence after January 16, 2018 as a result of the conduct alleged in the Complaint. The Consenting Defendants are permitted to use their retirement benefit payments, social security benefits and other Government entitlements for their own benefit and any and all earnings and income from independent contracting, employment or other business dealings unrelated to the allegations in the Complaint, earned or received after

January 16, 2018, including rental income from any source to pay their living, household and legal expenses.

7. Pending further order of this Court, any financial or brokerage institution, business entity, or person that receives actual notice of this Order by personal service or otherwise, that holds, controls, or maintains custody of any account or asset titled in the name of, held for the benefit of, or otherwise under the control of Consenting Defendants, or has held, controlled, or maintained custody of any such account or asset of Consenting Defendants at any time since January 1, 2014, with the exception of the future assets and accounts referenced in paragraph 6 of this Order, shall hold and retain within their control and prohibit the withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, conversion, sale or other disposal of such assets; such funds and assets are hereby frozen.

III. PRELIMINARY INJUNCTIVE RELIEF

Consenting Defendants and, and their officers, agents, servants, employees, successors, assigns, and all persons in active concert or participation with Consenting Defendants who receive actual notice of this Order by personal service or otherwise, are hereby restrained, enjoined, and prohibited until further order of the Court, from directly or indirectly, in connection with any swap, or contract of sale of any commodity in interstate commerce, or contract for future delivery on or subject to the rules of any registered entity, intentionally or recklessly:

a. using or employing, or attempting to use or employ, any manipulative device, scheme, or artifice to defraud;

b. making, or attempting to make, any untrue or misleading statement of a material fact or to omit to state a material fact necessary in order to make the statements made not untrue or misleading;

c. engaging, or attempting to engage, in any act, practice, or course of business, which operates or would operate as a fraud or deceit upon any person; in violation of Section 6(c)(1) of the Act, 7 U.S.C. § 9(1) (2012), and/or Commission Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2017); and

d. soliciting, accepting, or receipt of funds in connection with the virtual currency branded as My Big Coin.

IV. MAINTENANCE OF AND ACCESS TO BUSINESS RECORDS

THE COMMISSION AND CONSENTING DEFENDANTS AGREE AND IT IS FURTHER ORDERED that:

Consenting Defendants are restrained from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any and all documents that relate to the business practices or business or personal finances of Consenting Defendants in their custody, possession or control.

Any financial or brokerage institution, business entity, or person that receives actual notice of this Order by personal service or otherwise, shall not:

a. directly or indirectly destroy, alter or dispose of, in any manner, any records relating to the business activities and business and personal finances of Consenting Defendants.; and

b. deny a request by the Commission to inspect all records pertaining to the time period January 1, 2014 to the date of this Order, every account or asset owned, controlled, managed or held by Consenting Defendants, or managed or held on behalf, or for the benefit, of Consenting Defendants, including, but not limited to, originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the

accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs. As an alternative to allowing inspection of records, a financial or brokerage institution, business entity or other person may provide copies of records requested by the Commission.

V. STAY OF ACTIONS

THE COMMISSION AND CONSENTING DEFENDANTS AGREE AND IT IS

FURTHER ORDERED that:

Except by leave of the Court, Consenting Defendants, and all other persons and entities in active concert or participation with them, are hereby stayed from taking any action to establish or enforce any claim, right or interest for, against, on behalf of, or in the name of Consenting Defendants, including but not limited to, the following actions:

a. Commencing, prosecuting, litigating or enforcing any suit, except that actions may be filed to toll any applicable statute of limitations;

b. Accelerating the due date of any obligation or claimed obligation, enforcing any lien upon, or taking or attempting to take possession of, or retaining possession of, property of Consenting Defendants or any property claimed by Consenting Defendants, or attempting to foreclose, forfeit, alter or terminate Consenting Defendants' interest(s) in property, whether such acts are part of a judicial proceeding or otherwise;

c. Using self-help or executing or issuing, or causing the execution or issuance of any court attachment, subpoena, replevin, execution or other process for the purpose of impounding or taking possession of or interfering with, or creating or enforcing a lien upon any property, wherever located, owned by or in the possession of Consenting Defendants.

VI. SERVICE OF ORDER

Copies of this Order may be served by any means, including electronic mail, facsimile transmission, and United Parcel Service, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of Consenting Defendants, or that may be subject to any provision of this Order.

VII. COURT MAINTAINS JURISDICTION

Until further order of the Court, this Order shall remain in effect and the Court shall retain jurisdiction over this action to ensure compliance with this Order and for all other purposes related to this action. Should the Court dismiss the Complaint or the claim against any of the Consenting Defendants this Order shall be deemed dismissed as to the dismissed Consenting Defendant. Such Defendants may seek at his/her/It's discretion, an Order of this Court formally dismissing this Order of Preliminary Injunction as it pertains to the dismissed Consenting Defendant.

This Order shall take effect as of the date and time stamped by the Court at which time the TRO entered on January 16, 2018 shall be deemed expired and of no force and effect.

CONSENTED TO AND APPROVED BY:

/s/ Jonah E. McCarthy

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Jonah E. McCarthy
John Einstman
Paul G. Hayeck (Mass. Bar No. 554815)
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Dated April 5, 2018

/s/ Steven N. Fuller

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Dated: April 5, 2018

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*Attorney for Consenting Relief Defendants
Greshore, LLC and Greyshore Technology,
LLC, and Consenting Defendant My Big
Coin Pay, Inc..*

Dated: April 5, 2018

IT IS SO ORDERED at Boston, Massachusetts on this ____ day of _____, 2018.

RYA W. ZOBEL

Senior United States District Judge