

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**JAMES G. TEMME,
STEWARDSHIP FUNDS, LP
Defendants.**

CAUSE NO. 4:11cv655

**AGREED MOTION FOR ENTRY OF ORDER
ON MATTERS RELATING TO TEMPORARY RESTRAINING ORDER**

The parties hereby respectfully request that the Court enter the attached proposed order, which is agreed as to form. The order reflects the results of a telephone hearing held on Monday, October 24, 2011 before United States Magistrate Judge Amos Mazzant.

Dated: October 26, 2011

Respectfully submitted:

/s/ David B. Reece w/per R. Ritch Roberts

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 26, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3). Any other counsel of record will be served by e-mail.

/s/ R. Ritch Roberts _____

R. Ritch Roberts

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**ORDER GRANTING AGREED MOTION FOR ENTRY OF ORDER
ON MATTERS RELATING TO TEMPORARY RESTRAINING ORDER**

This order concerns the Court's October 14, 2011 Order Freezing Assets, Granting Temporary Restraining Order and Other Emergency Relief, and Setting Hearing Date on Plaintiff's Preliminary Injunction Motion (the "TRO"). United States Magistrate Judge Amos L. Mazzant held a telephone hearing with the parties on October 24, 2011. As a result of that telephone hearing, and at the direction of Magistrate Judge Mazzant, the parties have submitted an Agreed Motion Concerning the TRO in this Case, (the "Agreed Motion"), and the parties have submitted this Order, to which they agree as to form, as an accurate representation of what was decided during the telephone hearing.

The Agreed Motion is **GRANTED**. In light of the defendants' need for access to documents in order to prepare, the Court hereby orders as follows:

1. The due date for the interim accounting referenced in section IX of the TRO shall be October 31, 2011, unless the Court orders otherwise. The parties' agreement to this order is without prejudice to a defendant's right to ask for further relief, and this order is without

prejudice to any right either defendant may have to assert rights or objections to the accounting under the Fifth Amendment of the United States Constitution.

2. The date for the preliminary injunction hearing is rescheduled for Thursday, November 3, 2011, at 10:00 a.m. before United States Magistrate Judge Amos L. Mazzant at the United States Courthouse Annex, 200 N. Travis Street, Mezzanine Level, Sherman Texas 75090.

3. Unless explicitly addressed here, the TRO is otherwise extended until 5:00 p.m. on November 3, 2011, absent further order from the Court, and without prejudice to any party's right to seek from the Court any other relief from the TRO.

3. If the parties cannot agree on a receivership order, Magistrate Judge Mazzant will conduct a hearing on the SEC's motion for appointment of a receiver on Thursday, October 27, 2011 at 2:00 p.m. at the address above.

4. The deposition of Jay Temme, originally noticed for October 25, 2011, shall now be considered noticed for November 1, 2011.

5. So that the parties may prepare for the deadlines and hearings in this case, the parties are to provide each other party with reasonable access to the documents and electronically-stored information that have been stored on the premises of Stewardship Fund's office in Plano, Texas, to the extent those documents are, and that information is, within a party's possession, custody, or control. The provisions of this paragraph shall not prevent any party from objecting to disclosure of information on any basis permitted by law, including, for example, the attorney/client privilege or the work product doctrine. If Mr. Temme reviews original documents or information described above on the premises of the Plano office, his counsel shall be present and supervise his review of the documents. Nothing herein shall

preclude any party from seeking discovery of records from any other party or person, as provided by the TRO, including Section X of the TRO.