

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

**SECURITIES AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**JAMES G. TEMME,  
STEWARDSHIP FUND, LP**

Defendants,

Civil Action No.4:11cv655

**AGREED ORDER ENTERING PRELIMINARY INJUNCTION AGAINST  
JAMES G. TEMME**

This matter came before me, the undersigned United States District Judge, this 3rd day of November, 2011, on the application of Plaintiff Securities and Exchange Commission for issuance of a preliminary injunction against Defendant James G. Temme and an order for other equitable relief against Defendant James G. Temme. This Court has previously issued an order that, among other things, issued a temporary restraining order, froze assets, required an accounting, required preservation of documents and authorized expedited discovery. Defendant James G. Temme has agreed to the entry of this agreed order entering a preliminary injunction and providing other preliminary relief, without admitting or denying the allegations contained in the Commission's Complaint; has agreed that this Court has jurisdiction over it and subject matter of this action; and has agreed to waive a hearing and the entry of findings of fact and conclusions of law. The unopposed motion for preliminary injunction (Doc. No. 28) is GRANTED.

**IT IS THEREFORE ORDERED:**

**I.**

James G. Temme and his agents, servants, employees, attorneys, and all persons in active

concert or participation with them who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined in the offer or sale of any securities by use of any means or instruments of transportation or communication in interstate commerce, or of the mails, from, directly or indirectly:

- (a) employing any device, scheme or artifice to defraud;
- (b) obtaining money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) engaging in any transactions, practices or courses of business which operate or would operate as a fraud or deceit upon any purchaser or prospective purchaser.

[Securities Act § 17(a) (15 U.S.C. § 77q(a))].

## II.

James G. Temme and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from making use of any means or instrumentalities of interstate commerce, or of the mails or of any facility of a national security exchange, directly or indirectly, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;
- (c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person; or

- (d) to use or employ any manipulative or deceptive device or contrivance in contravention of a rule or regulation prescribed by the Securities and Exchange Commission.

[Exchange Act § 10(b) and Rule 10b-5 thereunder (15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5)].

### III.

Unless otherwise provided below, Defendant James G. Temme, along with any entity that he, directly or indirectly, controls, and officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise are restrained and enjoined from, directly or indirectly, making any payment or expenditure of funds, incurring any additional liability (including, specifically, by advances on any line of credit and any charges on any credit card), or effecting any sale, gift, hypothecation or other disposition of any asset, pending provision of sufficient proof to the Court of sufficient funds or assets to satisfy all claims alleged in the Commission's Complaint, or the posting of a bond or surety sufficient to assure payment of any such claim. Further, any bank, trust company, broker-dealer, depository institution, entity, or individual holding accounts or assets for or on behalf of James G. Temme shall make no transactions in assets or securities (excepting liquidating necessary as to wasting assets) and no disbursement of assets or securities (including extensions of credit, or advances on existing lines of credit), including the honor of any negotiable instrument (including, specifically, any check, draft, or cashier's check) purchased by or for James G. Temme, unless otherwise ordered by this Court.

**IV.**

Defendant James G. Temme is permitted to open one bank account for the limited purpose of managing his reasonable and ordinary living expenses, including reasonable attorneys fees. Temme (or other third parties on his behalf) is permitted to deposit into the new account funds derived from employment that does not violate this Order and from sources not subject to the Court's previously-issued orders freezing certain assets and placing certain entities under the control of a Receiver, including his wife's salary and future income, if any. In addition, notwithstanding any provision of this Order, Temme shall be entitled to deposit cash or cash equivalents of up to \$5,000.00 per month for a period of six months from his personal assets as of the date of this Order. As part of this provision, Temme's account at Bank of America, account number \*\*\*\*\*0510 is unfrozen for purposes of allowing the balance of \$1,200 to be transferred to the account referenced above. For purposes of obtaining the \$5,000 per month maximum funds for reasonable expenses, Mr. Temme is authorized to access funds from his non-Stewardship related retirement account. This money is to be used for reasonable living expenses and attorneys fees. Mr. Temme's ability to retain and deposit this money is conditioned on his cooperation with the Receiver in the discharge of the Receiver's duties. If the Receiver believes Mr. Temme has not provided such cooperation he shall notify the Court. If Temme acquires assets (net of reasonable living expenses) in excess of \$10,000, such as by gift, inheritance, bonus or other windfall – then Temme shall immediately notify the Receiver. Pursuant to this paragraph, Mr. Temme is permitted to use two existing Bank of America credit cards (account numbers ending with 3179 and 0297) and an existing Exxon gas card up to the limit of those cards. His debt in relation to such use remains his personal liability, not that of the Receivership Estate.

Temme shall e-mail a copy of the monthly statements of the bank account used for the purposes of this provision and the monthly account statements of the credit cards referenced herein (or provide such other access to those statements as is agreed to by the Receiver).

Mr. Temme's son's high school account (Bank of America, account number \*\*\*\*\*1589) and Mr. Temme's mother's bank account at Bank of America (account number \*\*\*\*\*6777) shall be unfrozen. Mr. Temme's mother's account shall not be subject to the temporary or preliminary injunction entered in this matter or the receivership unless the Court orders otherwise. Mr. Temme's son's high school account may be used by his son for high school purposes, but shall be part of the Receivership Estate.

**V.**

The Commission may cause a copy of this Order to be served on any bank, trust company, broker-dealer, depository institution, entity, or individual either by United States mail, UPS or other overnight delivery service, email, or facsimile as if such service were personal service, to restrain and enjoin any such institution, entity, or individual from disbursing assets, directly or indirectly, to or on behalf of James G. Temme.

**VI.**

James G. Temme and his agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, are restrained and enjoined from destroying, removing, mutilating, altering, concealing or disposing of, in any manner, any of their books and records or any documents relating in any manner to the matters set forth in the Commission's Complaint, or the books and records of any entities under its control, unless otherwise ordered by this Court.

**VII.**

The United States Marshal in any district in which James G. Temme resides, transacts business, or may be found, is hereby authorized and directed to make service of process at the request of the Commission. Furthermore, the Commission is permitted to effect service of all pleadings and other papers, including the Summons, the Complaint, and court orders, by facsimile, by electronic mail, by overnight courier, or by mail upon James G. Temme, his agents or attorneys or by an alternative provision for service permitted by Rule 4 of the Federal Rules of Civil Procedure, or as this Court may direct by further order.

**VIII.**

James G. Temme shall have sixty (60) days from the date of this Preliminary Injunction in which to answer the Commission's Complaint.

**It is SO ORDERED.**

**SIGNED this 3rd day of November, 2011.**



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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE