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3:04-CV-521 SEC V. GLOBAL MONEY MGT

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\*CMP\*

**ORIGINAL**

04 MAR 11 AM 9:25

CLERK U.S. DISTRICT COURT  
DISTRICT OF CALIFORNIA  
DEPUTY

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**'04 CV 00521 BTM (WMC)**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**GLOBAL MONEY MANAGEMENT,  
L.P., LF GLOBAL INVESTMENTS,  
LLC, and MARVIN I. FRIEDMAN,**

**Defendants.**

Case No.

**COMPLAINT FOR VIOLATIONS OF THE  
FEDERAL SECURITIES LAWS**

Plaintiff Securities and Exchange Commission ("Commission") alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant to Sections 20(b), 20(d)(1) and 22(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. §§ 77t(b), 77t(d)(1) & 77v(a), Sections 21(d)(1), 21(d)(3)(A), 21(e) and 27 of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. §§ 78(u)(d)(1), 78u(d)(3)(A), 78u(e) & 78aa, and Sections 209(e)(1) and 214 of the Investment Advisers Act of 1940 ("Advisers Act"), 15 U.S.C. §§ 80b-9(e)(1) & 80b-14. Defendants have, directly or indirectly, made use of the means or

1 instrumentalities of interstate commerce, of the mails, or of the facilities of a  
2 national securities exchange in connection with the transactions, acts, practices  
3 and courses of business alleged in this Complaint.

4       2. Venue is proper in this district pursuant to Section 22(a) of the  
5 Securities Act, 15 U.S.C. § 77v(a), Section 27 of the Exchange Act, 15 U.S.C. §  
6 78aa, and Section 214 of the Advisers Act, 15 U.S.C. § 80b-14, because  
7 defendants reside in this district and certain of the transactions, acts, practices and  
8 courses of conduct constituting violations of the federal securities laws occurred  
9 within this district.

### 10 SUMMARY

11       3. This matter involves an ongoing securities fraud perpetrated by  
12 Marvin I. Friedman, and two entities controlled by Friedman, Global Money  
13 Management, L.P. ("GMM") and LF Global Investments, LLC ("LF Global").  
14 Since 1993, they have sold, in an unregistered offering, limited partnership  
15 interests in GMM, a purported private hedge fund that claimed to invest in  
16 securities, such as stock and stock options. Friedman has misrepresented to  
17 investors at various times over at least one year that the hedge fund held assets  
18 ranging from \$60 million to over \$100 million. Since at least December 2002,  
19 however, the securities GMM holds have been worth no more than \$11 million.  
20 As of December 2001, the total value of securities in GMM's accounts was only  
21 approximately \$27,000.

22       4. In addition, Friedman touted his investment experience but did not  
23 tell investors about his disciplinary history, including that he has been barred from  
24 association with any member of the NASD.

25       5. Defendants, by engaging in the above conduct, have violated the  
26 antifraud provisions of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a),  
27 Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder,  
28 17 C.F.R. § 240.10b-5, and Sections 206(1) and 206(2) of the Advisers Act, 15

1 U.S.C. §§ 80b-6(1) & 80b-6(2).

2 **THE DEFENDANTS**

3 6. Global Money Management, L.P. ("GMM"), is a California limited  
4 partnership located in San Diego, California, holding itself out as a private hedge  
5 fund. GMM is not registered with the Commission in any capacity.

6 7. L.F. Global Investments, LLC ("LF Global"), is a California limited  
7 liability company located in San Diego, California. It is the general partner and  
8 investment adviser of GMM. LF Global is not registered with the Commission in  
9 any capacity.

10 8. Marvin I. Friedman, age 65, resides in San Diego, California.  
11 Friedman is the Managing Director of LF Global. He controls both GMM and LF  
12 Global, makes all investment decisions for GMM, and is the sole contact person  
13 for investors in GMM. The NASD has censured and fined Friedman and barred  
14 him from association with any NASD member in any capacity. He is not  
15 registered with the Commission in any capacity.

16 **THE FRAUDULENT SCHEME**

17 **The Investment**

18 9. Since 1993, LF Global and Friedman have operated GMM, raising  
19 millions of dollars from investors nationwide. Friedman controls both GMM and  
20 LF Global, makes all investment decisions for GMM, and is the contact person for  
21 investors in GMM.

22 10. Friedman, through LF Global and GMM, offered and sold securities  
23 in the form of limited partnership interests in GMM, a private hedge fund, whose  
24 assets have purportedly topped \$100 million. Investor funds were pooled and then  
25 purportedly invested in stock, stock options, and a money market account.  
26 Investors learned of the hedge fund through word-of-mouth from other investors  
27 who were satisfied with the apparent returns being generated in their GMM  
28 accounts.

1 11. Investors received several documents. A performance history sheet  
2 given to investors showed performance of the hedge fund from December 1993 to  
3 the present, including a chart showing the growth of a \$100,000 investment, a  
4 spreadsheet showing the annual percentage returns, and a spreadsheet comparing  
5 the total percentage returns of the hedge fund as compared to the S&P 500 and  
6 other indices.

7 12. A Private Information Statement ("PIS") given to investors stated that  
8 GMM's general partner, LF Global, was entitled to an annual "incentive" fee of  
9 20% of the return generated by the hedge fund, or more, if the hedge fund's return  
10 exceeded 20%. The PIS contained minimal summary information regarding the  
11 investment, and included a limited partnership agreement as an exhibit. The  
12 partnership agreement constituted the bulk of the offering materials and dealt with  
13 the formalities of the structure and operation of GMM.

14 **The False Information Provided To Investors**

15 13. For at least the last year, GMM, LF Global and Friedman have misled  
16 investors about the size of the hedge fund by providing them with account  
17 statements containing phantom account values. GMM mailed quarterly account  
18 statements to all of its investors.

19 14. Since at least December 2002, the aggregate value of assets reported  
20 in GMM's account statements sent to GMM's clients greatly exceeded the true  
21 aggregate value of GMM's assets. Until recently, the account statements were  
22 generated by an independent accountant based on information provided by  
23 Friedman. The accountant also performed a year-end reconciliation of the assets  
24 of GMM. As of December 31, 2002, the purported total market value of GMM  
25 assets in that reconciliation was over \$116 million. However, \$94 million of those  
26 assets did not and do not exist. Representations in the GMM account statements  
27 regarding account balances were false, and defendants knew they were false at the  
28 time they were made.

1        15. Friedman has continued to represent falsely inflated hedge fund  
2 values to investors to continue to lure new investments. In September 2003,  
3 Friedman told an investor contemplating placing more money into the hedge fund  
4 that the fund had over \$100 million invested in securities. However, in September  
5 2003, GMM held securities worth only approximately \$440,000. Friedman's  
6 representation was false, and he knew it was false when he made it.

7        **GMM, LF Global And Friedman's Continuing Fraudulent Conduct**

8        16. GMM, LF Global and Friedman have continued to misrepresent the  
9 value of the hedge fund to investors in January and February of 2004. During the  
10 first two months of 2004, Friedman caused GMM to mail account statements to  
11 GMM investors for the period ended December 31, 2003. The cumulative total  
12 account values of those statements is \$111,930,057. According to the limited  
13 partnership agreement contained in the PIS, the account value contained on the  
14 account statements should represent each investor's proportionate share of the net  
15 asset value of the hedge fund. However, the total value of the securities in GMM's  
16 accounts as of December 31, 2003 was only \$211,000, and in January of 2004, the  
17 total value dropped to approximately \$20,000.

18        17. Moreover, in an attempt to stave off the imminent collapse of the  
19 GMM hedge fund, Friedman has lulled and stalled investors attempting to  
20 withdraw their funds. In late 2003, several investors decided to withdraw their  
21 investments from the hedge fund. Friedman told investors the location of the  
22 hedge fund's brokerage accounts and assured them that the hedge fund had  
23 sufficient liquidity to honor their requests. He delayed making payments to  
24 investors and only made incomplete payments to some investors. As investors  
25 have continued to press Friedman over the last several weeks for information  
26 about the status of the hedge fund, he has told them that the hedge fund value was  
27 approximately \$70 million.

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**GMM, LF Global, And Friedman Concealed**

**Important Information About Friedman's Background**

18. GMM, LF Global, and Friedman touted Friedman as critical to the hedge fund's success. The PIS specifically identified Friedman as the person who would make the investment and other management decisions for the hedge fund, touted his "substantial investment experience," but did not disclose his NASD bar order. Furthermore, Friedman told investors about his lengthy experience in the securities markets without disclosing his bar order.

**FIRST CLAIM FOR RELIEF**

**FRAUD IN THE OFFER OR SALE OF SECURITIES**

**Violations of Section 17(a) of the Securities Act**

19. The Commission realleges and incorporates by reference ¶¶ 1 through 18 above.

20. Defendants GMM, LF Global, and Friedman, and each of them, by engaging in the conduct described above, directly or indirectly, in the offer or sale of securities by the use of means or instruments of transportation or communication in interstate commerce or by use of the mails:

- a. with scienter, employed devices, schemes, or artifices to defraud;
- b. obtained money or property by means of untrue statements of a material fact or by omitting 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. engaged in transactions, practices, or courses of business which operated or would operate as a fraud or deceit upon the purchaser.

21. By engaging in the conduct described above, each of the defendants violated, and unless restrained and enjoined will continue to violate, Section 17(a)

1 of the Securities Act, 15 U.S.C. § 77q(a).

2 **SECOND CLAIM FOR RELIEF**

3 **FRAUD IN CONNECTION WITH THE**

4 **PURCHASE OR SALE OF SECURITIES**

5 **Violations of Section 10(b) of the Exchange Act**

6 **and Rule 10b-5 thereunder**

7 22. The Commission realleges and incorporates by reference ¶¶ 1 through  
8 18 above.

9 23. Defendants GMM, LF Global, and Friedman, and each of them, by  
10 engaging in the conduct described above, directly or indirectly, in connection with  
11 the purchase or sale of a security, by the use of means or instrumentalities of  
12 interstate commerce, of the mails, or of the facilities of a national securities  
13 exchange, with scienter:

- 14 a. employed devices, schemes, or artifices to defraud;
- 15 b. made untrue statements of a material fact or omitted to state a  
16 material fact necessary in order to make the statements made, in  
17 the light of the circumstances under which they were made, not  
18 misleading; or
- 19 c. engaged in acts, practices, or courses of business which  
20 operated or would operate as a fraud or deceit upon other  
21 persons.

22 24. By engaging in the conduct described above, each of the defendants  
23 violated, and unless restrained and enjoined will continue to violate, Section 10(b)  
24 of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R.  
25 § 240.10b-5.

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**THIRD CLAIM FOR RELIEF**

**FRAUD BY AN INVESTMENT ADVISER**

**Violations of and Aiding and Abetting Violations of**

**Section 206(1) and 206(2) of the Advisers Act**

**(Against LF Global and Friedman)**

25. The Commission realleges and incorporates by reference ¶¶ 1 through 18 above.

26. Defendant LF Global, by engaging in the conduct described above, directly or indirectly, by use of the mails or means or instrumentalities of interstate commerce:

- a. with scienter, employed devices, schemes, or artifices to defraud clients or prospective clients;
- b. engaged in transactions, practices, or courses of business which operated as a fraud or deceit upon clients or prospective clients.

27. By engaging in the conduct described above, defendant LF Global violated, and unless restrained and enjoined will continue to violate, Sections 206(1) and 206(2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) & 80b-6(2).

28. Defendant Friedman, by engaging in the conduct described above, knowingly and substantially assisted LF Global's violations of Sections 206(1) and 206(2) of the Advisers Act.

29. By reason of the foregoing, defendant Friedman aided and abetted LF Global's violations of, and unless restrained and enjoined will continue to aid and abet LF Global's violations of Sections 206(1) and 206(2) of the Advisers Act.

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**PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that the Court:

**I.**

Issue findings of fact and conclusions of law that the defendants committed the alleged violations.

**II.**

Issue judgments, in a form consistent with Fed. R. Civ. P. 65(d), temporarily, preliminarily, and permanently enjoining each defendant and its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with any of them, who receive actual notice of the order by personal service or otherwise, and each of them, from violating Section 17(a) of the Securities Act, Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder, and, as to defendants LF Global and Friedman, Sections 206(1) and (2) of the Advisers Act.

**III.**

Issue in a form consistent with Fed. R. Civ. P. 65, a temporary restraining order and a preliminary injunction freezing the assets of each of the defendants and prohibiting each of the defendants from destroying documents; appointing a receiver over defendants GMM and LF Global; and ordering accountings.

**IV.**

Order defendants to disgorge all ill-gotten gains from their illegal conduct, together with prejudgment interest thereon.

**V.**

Order defendants to pay civil penalties under Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3), and Section 209(e) of the Advisers Act, 15 U.S.C. § 80b-9(e)(1).

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VI.

Retain jurisdiction of this action in accordance with the principles of equity and the Federal Rules of Civil Procedure in order to implement and carry out the terms of all orders and decrees that may be entered, or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

VII.

Grant such other and further relief as this Court may determine to be just and necessary.

DATED: March <sup>10</sup>, 2004

Janet Rich Weissman

Nicolas Morgan

Janet Rich Weissman

Attorney for Plaintiff

Securities and Exchange Commission

JS44

(Rev. 07/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

04 MAR 11 AM 9:23

## I (a) PLAINTIFFS

SECURITIES AND EXCHANGE  
COMMISSION

## DEFENDANTS

GLOBAL MONEY MANAGEMENT, L.P.;  
GLOBAL INVESTMENTS, LLC; and  
MARVIN I. FRIEDMAN

(b) COUNTY OF RESIDENCE OF FIRST LISTED  
PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

SAN DIEGO DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND  
INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nicolas Morgan 323-965-3998  
Securities & Exchange Commission  
5670 Wilshire Blvd., 11th Floor  
Los Angeles, CA-90036-3648

## ATTORNEYS (IF KNOWN)

'04 CV 00521 BTM (WMC)

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in  
Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX  
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |  |                            |                            |  |                            |                            |
|--|----------------------------|----------------------------|--|----------------------------|----------------------------|
|  | PT                         | DEF                        |  | PT                         | DEF                        |
| Citizen of This State                      | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business<br>in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                   | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business<br>in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign<br>Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE  
JURISDICTIONAL STATUTES UNLESS DIVERSITY). The Complaint alleges violations of the federal  
securities laws. 15 U.S.C. § 77q(a); 15 U.S.C. § 78j(b) and 17 C.F.R. §  
240.10b-5 thereunder; and 15 U.S.C. §§ 80b-6(1) and 80b-6(2) (against LF  
Global and Friedman).

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 660 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 147 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Landmark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSL (405(a)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input checked="" type="checkbox"/> 550 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions		

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.o.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE March 11, 2004

SIGNATURE OF ATTORNEY OF RECORD