

1 **TRO**

2 David R. Koch (Nevada Bar No. 8830)
3 TURNER GREEN AFRASIABI & ARLEDGE LLP
4 701 N. Green Valley Pkwy, Suite 200
5 Henderson, NV 89074
6 Telephone: (702) 990-3155
7 Facsimile: (702) 990-3156

8 Bill Frizzell (Texas Bar No. 07484500)
9 Frizzell Law Firm
10 602 South Broadway
11 Tyler, Texas 75701
12 Tel. (903) 595-1921
13 Fax (903) 595-4383
14 Appearing Pro Hac Vice (Motion to Associate
15 Pending)
16 Attorneys for Plaintiff

FILED

2007 MAY 23 A 11: 32



13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

16 CMKM DIAMONDS, INC.,
17 Plaintiff,

18 v.

19 URBAN CASAVANT; THE UAJC 2005
20 IRREVOCABLE TRUST; MIKE
21 WILLIAMS; DESHAWN L. WAYNE;
22 BRIAN DVORAK; JAMES KINNEY;
23 GINGER GUTIERREZ; P.A. HOLDINGS,
24 INC.; BUCKO LLC; DOES 1-20; and
25 ROES 1-20,
26 Defendants.

Case No.: A540161
Department: XIII

**AMENDED TEMPORARY
RESTRAINING ORDER AND ORDER
SETTING HEARING ON MOTION
FOR PRELIMINARY INJUNCTION**

1 After considering plaintiff CMKM Diamonds, Inc.'s application for a Temporary
2 Restraining Order against Defendants Urban Casavant, The UAJC 2005 Irrevocable Trust,
3 Mike Williams, DeShawn L. Wayne, Brian Dvorak, James Kinney, Ginger Gutierrez, P.A.
4 Holdings, Inc., and Bucko LLC, as well as the pleadings and affidavits, the Court finds as
5 follows:

- 6 a. Absent a temporary restraining order, plaintiff will suffer immediate and
7 irreparable injury, loss, or damage as assets and records that appear to belong
8 to the corporation may be wasted or transferred by the defendants.
- 9 b. This injury is irreparable because the corporation may become insolvent
10 through the acts of defendants and any eventual legal remedy may be
11 ineffective in the event that the assets at issue are not available for recovery.
- 12 c. This ex parte order is granted without notice to Defendants because prior
13 actions of defendants suggest assets may be wasted or records lost and
14 destroyed if notice is given to the parties before Court intervention.

15
16 **ACCORDINGLY, THE COURT HEREBY EXTENDS ITS PREVIOUSLY**
17 **ISSUED TEMPORARY RESTRAINING ORDER AS FOLLOWS:**

18 1. Defendants named above and their officers, agents, servants, employees,
19 attorneys, and all persons acting in concert with them are restrained from hiding, altering,
20 or destroying any records belonging or relating to CMKM Diamonds, Inc.

21 2. Defendants named above and their officers, agents, servants, employees,
22 attorneys, and all persons acting in concert with them are further restrained from selling,
23 trading, encumbering or transferring the following property until further order of this
24 Court:

25 i. The following real property:

- 26 1. 90 Innisbrook Avenue, Las Vegas, Nevada
27 2. 30 Princeville Lane, Las Vegas, Nevada
28 3. 7146 Mission Hills, Las Vegas, Nevada

1 4. Durango Trails, Bldg. T, Las Vegas, Nevada

- 2 ii. Any funds or assets held in any bank, brokerage, or financial account
3 in the name of the UAJC 2005 Irrevocable Trust, including the
4 brokerage account held with Citigroup/Smith Barney, Acct. No. 647-
5 33547-17 303 and the account held with West America Securities
6 Corporation, Account No. 67703437719648.
- 7 iii. Any property or assets held by Four Vegas Properties, including the
8 proceeds of settlement from the case entitled *Philip Smith v. Keith*
9 *McAllister, et al.*, Clark County District Court.
- 10 iv. The proceeds from the loan made to CSII in the amount of
11 \$2,250,000 or the stock that was purchased with these funds or any
12 derivative income stream from this investment.
- 13 v. The proceeds from the loan made to Crystallix in the amount of
14 \$3,000,000 or the stock that was purchased with these funds or any
15 derivative income stream from this investment.
- 16 vi. The proceeds from the loan made to Mobile Wireless Security in the
17 amount of \$1,000,000 or the stock that was purchased with these
18 funds or any derivative income stream from this investment.
- 19 vii. The funds repayable CMKM for loans made to Golden Arch
20 Resources in four separate checks totaling \$539,992.11 during
21 January of 2005.

22 3. A hearing to determine whether a preliminary injunction shall be issued in this
23 matter will take place on May 30, 2007 at 10:00 a.m. in this department.

24 4. A bond in the amount of \$10,000 has previously been posted by plaintiff as
25 security for the payment of such costs and damages as may be incurred or suffered by any
26 party who is found to have been wrongfully enjoined or restrained.

27 //

28 //

