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CLERK OF THE COURT

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

15 CMKM DIAMONDS, INC.,
16 Plaintiff,

17 v.

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

Case No.: A540161
Department: XIII

**PRELIMINARY INJUNCTION AND
FURTHER TEMPORARY
RESTRAINING ORDER**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 On May 30, 2007, plaintiff CMKM Diamonds, Inc.'s Motion for Preliminary
3 Injunction came on for hearing in Department XIII of the above-referenced court.
4 Appearing on behalf of CMKM were David R. Koch and Bill Frizzell. No appearances
5 were made on behalf of any of the defendants. Upon consideration of CMKM's motion
6 and accompanying declarations and exhibits and upon receiving and considering testimony
7 from CMKM regarding attempts at serving the complaint and motions at issue in this
8 action and regarding the likelihood of notice having been provided to defendant Urban
9 Casavant and other defendants who have not yet been served in this action, the Court rules
10 as follows:

11 1. With respect to the defendants who have not been served – which include
12 defendants Urban Casavant, DeShawn Wayne, Ginger Gutierrez, and James Kinney – to
13 the Court's satisfaction it has been shown that these defendants are likely to have received
14 notice of this action and of the request for a temporary restraining order and/or the motion
15 for preliminary injunction. Accordingly, the Court extends the Amended Temporary
16 Restraining Order that was issued on May 21, 2007 through and until June 11, 2007. On
17 June 11, 2007 at 9:00 a.m. a further hearing will be held in Department XIII to determine
18 whether these defendants have been served with the Motion for Preliminary Injunction and
19 to determine whether those defendants should be preliminarily enjoined from the actions or
20 conduct requested by plaintiff.

21 2. As to the defendants who were served with the Motion for Preliminary
22 Injunction – which defendants include Brian Dvorak, P.A. Holdings, Michael Williams,
23 Bucko, LLC, and the UAJC 2005 Irrevocable Trust – the motion is granted, there being no
24 opposition to the motion. Accordingly, the Court finds and orders as follows:

25 A. Based upon the evidence presented to the Court, which includes
26 company bank statements, stock trading records, trust account records, and the deposition
27 of Michael Williams, among other documents, the Court concludes that CMKM has
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1 demonstrated a combination of probably success on the merits of its claim for conversion
2 of company funds.

3 B. The harm asserted by CMKM is irreparable in that absent an injunction,
4 CMKM will suffer injury, loss, or damage as assets and records that appear to belong to the
5 corporation may be wasted or transferred by the defendants, and the corporation may
6 become insolvent through the acts of defendants, and any eventual legal remedy may be
7 ineffective in the event that the assets at issue are not available for recovery.

8 C. Accordingly, the Court orders that:

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

12 ii. Defendants named above and their officers, agents, servants,
13 employees, attorneys, and all persons acting in concert with them are further restrained
14 from selling, trading, encumbering or transferring the following property during the
15 pendency of this action or until further order of this Court:

16 a) The following real property:

- 17 1. 90 Innisbrook Avenue, Las Vegas, Nevada
- 18 2. 30 Princeville Lane, Las Vegas, Nevada
- 19 3. 7146 Mission Hills, Las Vegas, Nevada
- 20 4. Durango Trails, Bldg. T, Las Vegas, Nevada

21 b) Any funds or assets held in any bank, brokerage, or financial
22 account in the name of the UAJC 2005 Irrevocable Trust, including
23 the brokerage account held with Citigroup/Smith Barney, Acct. No.
24 647-33547-17 303 and the account held with West America
25 Securities Corporation, Account No. 67703437719648.

26 c) Any property or assets held by Four Vegas Properties, including
27 the proceeds of settlement from the case entitled *Philip Smith v.*
28 *Keith McAllister, et al.*, Clark County District Court.

- 1 d) The proceeds from the loan made to CSII in the amount of
2 \$2,250,000 or the stock that was purchased with these funds or any
3 derivative income stream from this investment.
4 e) The proceeds from the loan made to Crystallix in the amount of
5 \$3,000,000 or the stock that was purchased with these funds or any
6 derivative income stream from this investment.
7 f) The proceeds from the loan made to Mobile Wireless Security in
8 the amount of \$1,000,000 or the stock that was purchased with
9 these funds or any derivative income stream from this investment.
10 g) The funds repayable CMKM for loans made to Golden Arch
11 Resources in four separate checks totaling \$539,992.11 during
12 January of 2005.

13 3. A bond in the amount of \$10,000 has previously been posted by plaintiff as
14 security for the payment of such costs and damages as may be incurred or suffered by any
15 party who is found to have been wrongfully enjoined or restrained, and that bond shall
16 remain in place to secure the continuing temporary restraining order and the preliminary
17 injunction.

18 4. The parties in this action are permitted to conduct third-party discovery prior
19 to the hearing on June 11 in order to obtain potential evidence for the hearing.
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21 Dated: June 6, 2007

MARK R. DENTON

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23 By: _____

24 District Court Judge
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