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FILED

OCT 1 - 2009

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

15 CMKM DIAMONDS, INC.,

16 Plaintiff,

17 v.

18 DAVE DESORMEAU, individually; JOHN
19 EDWARDS, individually; DOES 1 through
20 50; and ROE CORPORATIONS 1 through
21 20,

22 Defendants.

Case No.: A538649
Department: XXV

**EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

(Affidavit of Kevin West Filed
Concurrently Herewith)

24 TO THE HONORABLE COURT:

25 Plaintiff CMKM Diamonds, Inc. (hereafter "CMKM") hereby applies to this Court
26 pursuant to Rule 65(b) of the Nevada Rules of Civil Procedure for a temporary restraining
27 order to restrain the Defendant John Edwards AKA John M. Edwards AKA John M.
28

1 Edwards, Trustee (hereafter Edwards) and his attorneys, real estate agents, accountants,
2 banks or bankers or any other associate or affiliate of Edwards from:

3 (1) selling, trading, encumbering, assigning, disposing of or transferring any funds
4 in his or her possession or under his or her control (including but not limited to
5 \$423,332.50 as set forth in the pleadings herein) and any other real estate and other assets
6 that are rightly the property of CMKM but claim to be owned by Edwards; and

7 (2) hiding, altering, or destroying any documents or records which may lead to the
8 discovery of assets or which may pertain to Edwards' purchase or sale of real estate and
9 other assets in the past or future relating to Edwards or any of his trusts, corporations or
10 other entities under Edwards' control

11 (3) assisting, aiding, abetting or allowing third parties to sell, trade, encumber,
12 assign or transfer funds or real estate claimed or known to be owned by Edwards or any of
13 his trusts, corporations or other entities under his control

14 The grounds for issuance of this order are that defendant Edwards, along with other
15 individuals acquired cash, real estate and other investments through an elaborate scheme of
16 securities fraud that began in 2002 involving the common stock of CMKM. Edwards and
17 others used forged documents, fictitious names of individuals, fictitious trusts and other
18 fictitious entities to acquire common stock of CMKM and sell such stock into the public
19 market. This activity began in 2002 and continued until 2005. Common stock of CMKM
20 valued at over \$100,000,000 was wrongfully issued and sold to the public through the
21 various schemes of Edwards and others.

22 A portion of the proceeds derived from these illegal activities has been used by
23 Edwards and others to acquire real estate and make other investments. One property
24 purchased by Edwards was a building situated at 6264 Spring Mountain Road in Spring
25 Valley, Nevada. Edwards created a trust agreement and gave the trust the name Pham
26 Commercial Holdings Trust for the purpose of disguising the source of the funds used to
27 purchase the property. The purchase and recent sale of this property necessitates action by
28 this Court.

1 As a result of his illegal activities, Edwards was indicted by a federal grand jury in
2 Las Vegas, Nevada on May 27, 2009. (See Exhibit "A") It is believed that Edwards
3 learned of this indictment and fled to England. Most of the defendants named in the
4 indictment have now been arrested and are on bond or in custody of the U.S. Marshall. It is
5 believed that Edwards is now in custody in England and U.S. Department of Justice is
6 awaiting the return of Edwards following extradition proceedings.

7 In 2007, CMKM filed civil suits against the various wrongdoers. CMKM obtained a
8 default judgment against Edwards in July of 2008 in the principal sum of \$33, 675,365.00.
9 (See Exhibit "B")

10 While in England and after being indicted in the United States, working through
11 various lawyers and real estate agents, a buyer was found for the above described illegally
12 obtained property. A cash sale of the property at 6264 Spring Mountain Road in Spring
13 Valley, Nevada was consummated on July 10, 2009. Following the sale of this property on
14 September 2, 2009, Old Republic Title Company wired \$423,332.50 to a Las Vegas
15 attorney at the direction of Edwards. (See Exhibit "C"). It is believed that Edwards was
16 arrested in England on or about September 7, 2009.

17 Additional facts are set out in the attached Memorandum of Points and Authorities
18 and the affidavit of Kevin West, CEO of CMKM. Movant requests that such facts be
19 referenced and incorporated herein for all purposes.

20 Pursuant to NRC 65(b) (1), notice of this application should not be required as
21 CMKM would be irreparably harmed if Edwards was notified that the funds or other assets
22 may be frozen, and upon being notified of this application Edwards would have time to
23 transfer assets or funds to third parties an in attempt to conceal those assets from being
24 seized.

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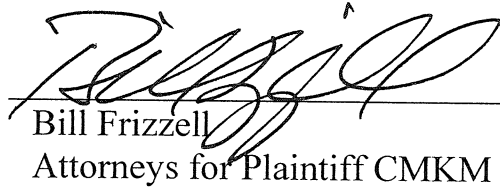
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1 CMKM is willing to post a bond as security for the order pursuant to NRCP 65(c).

2
3 Dated: October 1, 2009

FRIZZELL LAW FIRM

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5
6 By:



Bill Frizzell

7 Attorneys for Plaintiff CMKM Diamonds, Inc.
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