

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 07-22204-CIV-GOLD/TURNOFF

SECURITIES AND EXCHANGE COMMISSION,	)
	)
Plaintiff,	)
	)
v.	)
	)
CHARLES O. MORGAN, JR., as Personal	)
Representative of THE ESTATE OF	)
FREDERICK J. KUNEN,	)
	)
Defendant.	)
_____	)

**ORDER FOLLOWING STATUS CONFERENCE AND  
SETTING BRIEFING SCHEDULE**

**THIS CAUSE** is before the Court following a November 2, 2007 status conference. At the status conference, the parties outlined a proposal in which the Commission and Receiver would file a joint motion addressing how the Estate of Fredrick J. Kunen holds defrauded investor assets as a constructive trustee. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. The Commission and Receiver shall file their joint motion for imposition of constructive trust (the "Motion") no later than December 10, 2007.
2. As it pertains to non-parties, the Motion shall be served by United States mail to all claimants in the matter styled *The Estate of Frederick J. Kunen*, Case No. 07-3839 (Fla. 17th Jud. Cir., Probate Div.).
3. The Defendant and the non-parties may file a response no later than twenty days from service of the Motion.

4. The Commission and Receiver may file a Reply to any response no later than ten days from service of the response.
5. The August 23 Order Freezing Assets [DE 11] remains in full effect pending further Order of the Court.

**DONE AND ORDERED** in chambers at Miami, Florida this 8th day of November, 2007.



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**THE HONORABLE ALAN S. GOLD**  
**UNITED STATES DISTRICT JUDGE**

Copies furnished to:  
U.S. Magistrate Judge William C. Turnoff  
All counsel of Record