

FILED

DEC - 8 2010

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY _____, DEPUTY

U.S. COMMODITY FUTURES)
TRADING COMMISSION and)
OKLAHOMA DEPARTMENT OF)
SECURITIES ex rel. IRVING . L)
FAUGHT,)

Plaintiffs,)

v.)

PRESTIGE VENTURES CORP., a)
Panamanian corporation, FEDERATED)
MANAGEMENT GROUP, INC. A Texas)
corporation, KENNETH WAYNE LEE an)
individual, and SIMON YANG (a/k/a)
XIAO YANG a/k/a SIMON CHEN), an)
individual,)

Defendants, and)

SHEILA M. LEE, an individual, DAVID A.)
LEE, an individual, and DARREN A. LEE,)
an individual,)

Relief Defendants,)

Case No. 09-CV-1284 (DLR)

Relief Defendants David Lee's

MOVE FOR RECONSIDERATION
AND RELIEF FROM JUDGMENT
UNDER RULES 59 AND 60 ON
THE GROUNDS THAT:

1. The record demonstrates that there is a genuine issue of material fact as to whether the monies and properties belonging to David Lee are the fruits of unlawful activity and therefore whether penalties or sanctions are appropriate.

a. Plaintiffs never disclosed and hid the fact the documents were presented to Plaintiffs that David Lee did invest and transfer personal funds into Prestige Ventures. Plaintiffs kept these facts from the Court after being presented repeatedly by Relief Defendant that funds were invested into Prestige and used to purchase a home for Relief Defendant Lee.

2. The Court did not provide proper notice of any hearing to impose penalties and sanctions.

a. Relief Defendant Lee was not advised that the Court trial was not going to be able to discover the evidence that funds were invested in Prestige and Plaintiffs filed a Motion with the Court that did not disclose these facts. Vital information was withheld from the Court by Plaintiffs. The Court did not have all necessary documents and proof that Relief Defendant had invested or caused personal funds to be deposited into Prestige Ventures due to the Plaintiffs lack of participation in the Discovery Process,

b. Plaintiffs admit they cannot account for more than \$1,300,000 that was invested into Prestige Ventures and would never answer the question as to whether or not they could account for whose funds they were. Rather than Plaintiffs consider the fact that Relief Defendant invested these funds they added the amount to what they alleged were the amounts invested by others.

3. The Government denied the undersigned due process of law by seizing all assets through an ex parte order and thereby deprived the undersigned of his fundamental right to counsel.

a. Relief Defendant Lee was denied due process of law by not having any funds available

to secure legal counsel in this matter. No attorney would take this case due to Relief Defendant Lee being unable to provide any method of payments for proper representation. All assets were frozen in the SRO and no funds were available and Relief Defendant was not allowed by the SRO to borrow or encumber himself for funds necessary for proper legal counsel.

4. The Order under review makes no mention or considers the undersigned homestead exemptions to which he is entitled as a matter of law.

a. No information was made available to The Court that South Carolina has a homestead law and consideration should be made for this law. Plaintiffs hid this information from The Court or did not disclose the fact that there may even be a homestead law in the State of South Carolina. Plaintiffs could have easily found The Homestead Law for South Carolina in Title 15-41-1 after Relief Defendant advised that there was in fact a Homestead Law in South Carolina.

5. There was newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b).

a. Evidence was discovered prior to the trial date that would have made it known to the Court that Relief Defendant had invested heavily into Prestige Ventures for the benefit of Relief Defendant. This information was never made available to the Court and leads to a judgment against Relief Defendant that did not account for all the facts available for review by the Court. This evidence is copies of cashiers' checks, statements from Panama Investment Account, emails between account manager and emails between a customer that wanted to release his position in Prestige Ventures to Relief Defendants and Defendant. This withheld information was detrimental to the Relief Defendant in the Courts ruling and resulted in a much more severe

ruling.

b. The Court could not have known about these facts as they were not made available in the **PLAINTIFFS' PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**. Evidence to this fact was sent to The Court on November 23, 2010 in Defendant and Relief Defendants **Response to PLAINTIFFS' PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** and was filed by The Clerk on November 29, 2010. This is the day the Judgment was lodged against Relief Defendant Lee. Had the Court been able to review this information that was in the **Response to PLAINTIFFS' PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**, that was not disclosed by Plaintiffs, it is felt the Court would have had questions for the Plaintiffs Motion. Plaintiffs withheld and denied evidence to the Court that would have cast a different light on Relief Defendant and Defendant.

c. Relief Defendant and Defendant are at a disadvantage in being able to respond to any Motions from Plaintiffs, as they are mailed to Relief Defendant and Defendant and electronically filed with The Court from Plaintiffs. This results in a three to five day delay in Relief Defendant and Defendant receiving any documents filed with The Court and the same delay in Relief Defendants and Defendants response back to The Court.

6. There were misrepresentations and misconduct by the opposing party pertaining to their refusal to turn over discoverable documents and failing to disclose pertinent information that is crucial to the fairness and integrity under what is rightfully the Relief Defendant's rights for a fair trial.

a. Relief Defendant requested information from the Plaintiffs and was in all cases

denied this information. At one time they denied that they were even the Plaintiffs and asserted that the customers were the Plaintiffs and they did not want the information released. Also, Plaintiffs claimed Attorney Client Privilege and said they would not release this information to Relief Defendant. Copies of documents shown to Relief Defendant Darren Lee and Defendant Kenneth Lee, at their deposition, were not made available to Relief Defendant that would have helped Relief Defendants case by providing to the Court arguments against the Plaintiffs charges.

b. It is impossible for the Defendant and Relief Defendants to answer the Plaintiffs Motion of Summary Judgment because Relief Defendant sent the first Admissions, Interrogatories, and Document request on August 10, 2010 and did not receive their refusal to answer any of the request until September 10, 2010. Relief Defendant Darren Lee then proceeded to clarify the Admissions for the Commission and sent it to them on September 15, 2010. The Commission refused to attempt answering the request on the same day, The Motion for Summary Judgment was submitted on September 1, 2010. It is not in due process to surprise Defendant and Relief Defendant with evidence in the Commissions possession four (4) days before trial, especially when that evidence supports your case of owning your dwelling, boat, and bank accounts. This is clearly stated in Rule 60(b)(1).

Dated: December 4, 2010

Respectfully Submitted:



David A. Lee
2676 Palmetto Hall Blvd.
Mt Pleasant, SC 29466

CERTIFICATE OF SERVICE

I hereby certify that, on December 4, 2010, I caused one copy of **Relief Defendant David Lee's MOVE FOR RECONSIDERATION AND RELIEF FROM JUDGMENT UNDER RULES 59 AND 60** to be served by U.S. Mail on the following:

James H. Holl III
1155 21st Street NW
Washington, DC 20581

Terra Shamas Bonnell
Oklahoma Department of Securities
120 North Robinson Avenue, Suite 860
Oklahoma City, OK 73102