

IN THE DISTRICT COURT OF OKLAHOMA  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

SEP 17 2004

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_ Deputy

Oklahoma Department of Securities )  
 ex rel Irving L. Faught, Administrator, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Trade Partners, Inc., a Michigan corporation, )  
 TPI Management; LLC, a Michigan limited )  
 liability company; Trade LLC, a Michigan )  
 limited liability company; Thomas J. Smith, )  
 an individual; Christine M. Zmuka, an )  
 individual; Sojkara, L.L.C. a/k/a Sojkara ISP )  
 India L.L.C., a Michigan limited liability )  
 company; Robert J. Seitters, an individual; )  
 InterGlobal Waste Management, Inc., a )  
 California coroporation; Harold A. Katersky, )  
 an individual; Elkins & Associates, Inc., an )  
 Oklahoma corporation; Heartland Viaticals, )  
 Inc., an Oklahoma corporation; Eddie )  
 Elkins, an individual; and James S. Stanley, )  
 an individual, )  
 )  
 Defendants. )

Case No. CJ-2004-6295

**APPLICATION FOR ENTRY OF SECOND AMENDMENT  
TO TEMPORARY RESTRAINING ORDER**

Defendants Eddie Elkins and Elkins & Associates, Inc. ("Elkins Defendants") hereby move for entry of an order amending the Temporary Restraining Order, Order Freezing Assets and Order for Accounting entered herein on August 2, 2004, as amended by this Court on August 6, 2004 ("TRO"). In support of this application, the Elkins Defendants show the Court as follows:

1. This action was filed by the plaintiff Oklahoma Department of Securities ("ODS") and the TRO was entered by this Court on August 2, 2004.

2. The TRO was amended by this Court on August 6, 2004, pursuant to the agreement between plaintiff ODS and the Elkins Defendants.

3. A further agreement has been reached between plaintiff ODS and the Elkins Defendants to modify the terms of the TRO to remove all injunctions and restraints upon funds held in certain bank accounts maintained by the Elkins Defendants, upon the condition that reasonable restraints remain in effect to prevent any transfers of assets outside the ordinary course of business of the Elkins Defendants..

3. Attached hereto as Exhibit A is a true and correct copy of the Second Amendment to Temporary Restraining Order which has been approved by plaintiff ODS and the Elkins Defendants.

WHEREFORE, the Elkins Defendants respectfully request that the Court enter the Second Amendment to Temporary Restraining Order submitted herewith.

Dated: September 17, 2004



---

Kirk D. Fredrickson, OBA #3115  
McDonald & Fredrickson, P.C.  
24 West Park Place  
Oklahoma City, Oklahoma 73103  
(405) 232-4774  
FAX (405) 971-0581

*Attorneys for defendants Eddie Elkins  
and Elkins & Associates, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 17 day of September, 2004, a true and correct copy of the above and foregoing Application was hand delivered to the following:

Patricia A. Labarthe, Esq.  
Melanie Hall, Esq.  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
*Attorneys for plaintiff*



---

Kirk D. Fredrickson

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

Oklahoma Department of Securities )  
ex rel Irving L. Faught, Administrator, )  
 )  
Plaintiff, )

v. )

Case No. CJ-2004-6295

Trade Partners, Inc., a Michigan corporation, )  
TPI Management; LLC, a Michigan limited )  
liability company; Trade LLC, a Michigan )  
limited liability company; Thomas J. Smith, )  
an individual; Christine M. Zmuka, an )  
individual; Sojkara, L.L.C. a/k/a Sojkara ISP )  
India L.L.C., a Michigan limited liability )  
company; Robert J. Seitters, an individual; )  
InterGlobal Waste Management, Inc., a )  
California corporation; Harold A. Katersky, )  
an individual; Elkins & Associates, Inc., an )  
Oklahoma corporation; Heartland Viaticals, )  
Inc., an Oklahoma corporation; Eddie )  
Elkins, an individual; and James S. Stanley, )  
an individual, )  
 )  
Defendants. )

**SECOND AMENDMENT TO TEMPORARY RESTRAINING ORDER**

Pursuant to the agreement of the plaintiff Oklahoma Department of Securities *el rel* Irving L. Faught and defendants Eddie Elkins and Elkins & Associates, Inc., it is hereby ordered that the Temporary Restraining Order, Order Freezing Assets and Order for Accounting entered herein on August 2, 2004 ("TRO"), as amended by order of this Court on August 6, 2004, is hereby modified and amended as follows:

All restraints by this Court as to the utilization of funds held in accounts maintained by defendants Eddie Elkins and Elkins & Associates, Inc at Peoples National Bank, Yukon National Bank, and Arvest Bank are hereby vacated, terminated, and dissolved.

Defendants Eddie Elkins and Elkins & Associates, Inc are hereby temporarily enjoined from making or permitting any transfer of money or property held by them that is not in the ordinary course of business of said defendants; provided, however, during the pendency of this order, said defendants may make transfers of money or property outside the ordinary course of business upon receipt of written authorization for any such transfer from the Oklahoma Department of Securities.

So ordered this \_\_\_\_ day of September, 2004.

---

Daniel L. Owens, District Judge

APPROVED:

---

Patricia A. Labarthe, OBA #10391  
Melanie Hall, OBA #1209  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
*Attorneys for plaintiff State of Oklahoma  
ex rel Irving L. Faught*

---

Kirk D. Fredrickson, OBA #3115  
McDonald & Fredrickson, P.C.  
24 West Park Place  
Oklahoma City, Oklahoma 73103  
*Attorneys for defendants Eddie Elkins  
and Elkins & Associates, Inc.*