

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/15/06</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 In re REFCO, INC. SECURITIES LITIGATION :
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05 Civ. 8626 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

WHEREAS in an action styled *FrontPoint Financial Services Fund, LP. v. Refco, Inc., et al.*, No. 05 Civ. 8663 (DC) (S.D.N.Y.) (the "*FrontPoint* action"), the Court (Chin, J.) entered a temporary restraining order, dated November 2, 2005 (the "November 2, 2005 order"), enjoining and restraining defendant Phillip R. Bennett ("Bennett"), his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him, from dissipating the proceeds he obtained from his sale of 5,375,000 shares in the initial public offering ("IPO") of stock in Refco, Inc. ("Refco"); and

WHEREAS on December 2, 2005, with the consent of the parties, the Court (Chin, J.) issued an order extending indefinitely the November 2, 2005 order until such time as the Court vacates or modifies such order upon application of any party; and

WHEREAS by order dated December 20, 2005, this Court ordered that the *FrontPoint* action be consolidated herein for pre-trial purposes; and

WHEREAS by order dated February 8, 2006, this Court ordered that certain individual consolidated actions, including the *FrontPoint* action, would be deemed withdrawn and shall be dismissed on the terms set forth in said order; and

WHEREAS Lead Plaintiffs and defendant Bennett have agreed to have this Court enter in this action a temporary restraining order identical to that in the *FrontPoint* action;

IT IS HEREBY ORDERED that:

1. Defendant Bennett, his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him, are enjoined and restrained, under Fed. R. Civ. P. 65, from dissipating any and all proceeds he obtained from his sale of 5,375,000 shares in the Refco, Inc. IPO until such time as the Court vacates or modifies this Order upon application of any party. Defendant Bennett waives any objection as to the duration of this order under Fed. R. Civ. P. 65(b).

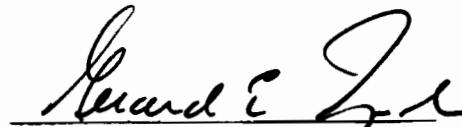
2. Plaintiff is not required to post bond or other security.

SO ORDERED.

Dated: New York, New York

, 2006

March 17


GERARD E. LYNCH
United States District Judge