

COPY

NO. D-1-GV-08-000935

THE STATE OF TEXAS,  
Plaintiff,

v.

FORUM TRADING, INC. d/b/a FORUM  
TECHNOLOGIES, INC.; XIUM, INC.;  
XEDIA, INC.; SRIG, L.L.C.; GREG  
DOCKERY, individually; FORREST  
WATSON, individually; and ROBERT  
CARPUS, individually.  
Defendants.

§ IN THE DISTRICT COURT

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§ TRAVIS COUNTY, TEXAS

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Filed in The District Court  
of Travis County, Texas

MAY 12 2008

At 3:42 P.M.  
Amalia Rodriguez-Mendoza, Clerk

§ 261.5 JUDICIAL DISTRICT

**EX PARTE TEMPORARY RESTRAINING ORDER**

The State of Texas, Plaintiff, has filed its Original Petition in this cause seeking Temporary and Permanent Injunctions against FORUM TRADING, INC. d/b/a FORUM TECHNOLOGIES, INC.; XIUM, INC.; XEDIA, INC.; SRIG L.L.C.; GREG DOCKERY; FORREST WATSON; and ROBERT CARPUS ("Defendants"), and in the same petition has presented its request for an *Ex Parte* Temporary Restraining Order. The Court FINDS that Defendants may be violating §§17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COM. CODE ANN. §§ 17.41 *et. seq.* (DTPA) and TEX. BUS. COM. CODE ANN. §38.101(a) and §38.107.

It appears from facts set forth in the Plaintiff's Original Petition and the exhibits and sworn affidavits attached thereto, that unless Defendants are immediately restrained from the acts prohibited below, Defendants will commit such acts before notice can be given and a hearing can be held on the State of Texas' request for a Temporary Injunction. Furthermore, Defendants will continue to use deceptive tactics and misrepresentations and may well dissipate

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and secrete their assets before a Temporary Injunction hearing can be held and a final judgment for restitution can be rendered. Such injury would be irreparable because continued violations of the DTPA may well cause more consumers to lose money through deceptive transactions. Given the likelihood of dissipation of Defendants' assets prior to rendition of a final judgment, the possibility of restitution for consumers will be remote unless an order freezing certain assets is granted.

**1. IT IS THEREFORE ORDERED** that Defendants **FORUM TRADING, INC. d/b/a FORUM TECHNOLOGIES, INC.; XIUM, INC.; XEDIA, INC.; SRIG L.L.C.; GREG DOCKERY; FORREST WATSON;** and **ROBERT CARPUS**, their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them, holding money or assets of any kind in the name and/or for the benefit of the above-named Defendants which were derived, in any manner, from the sale of Xpower or the Mega Power Saver, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained from engaging in the following acts or practices:

A. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, dissipating, distributing, or allowing the transfer, removal, withdrawal or encumbering from any financial institution or from any other entity or location or from the jurisdiction of this Court, any money, cash, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal or mixed, wherever situated, belonging to or owned by, in possession or custody of, standing in the

name of, or claimed by Defendants which were derived, in any manner, from the sale of Xpower or the Mega Power Saver;

B. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of one or more Defendants or subject to access, ownership or control by one or more Defendants, without providing Plaintiff and the Court prior notice by motion seeking to open such box or facility.

2. **IT IS ALSO ORDERED** that Defendants **FORUM TRADING, INC. d/b/a FORUM TECHNOLOGIES, INC.; XIUM, INC.; XEDIA, INC.; SRIG L.L.C.; GREG DOCKERY; FORREST WATSON;** and **ROBERT CARPUS**, their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them, are prohibited from transferring, spending, encumbering, withdrawing, or removing any sum of money from any other such account(s) and assets where monies or proceeds from the sale of Xpower or the Mega Power Saver have been used, placed, deposited, transferred, invested or commingled; however, Defendants **GREG DOCKERY, FORREST WATSON** and **ROBERT CARPUS** are not prohibited from expending monies for reasonable living expenses and attorney fees from other assets standing in their names which have not and do not contain monies or proceeds from the sale of Xpower or the Mega Power Saver.

3. **IT IS ALSO ORDERED** that if the State and any of the Defendants, parties, persons, or entities referenced in this order agree in writing, through their authorized representatives or counsel, to specify that certain assets be or remain frozen and/or that certain assets be released from the asset freeze ordered herein, pending the completion of any scheduled Temporary Injunction hearing, then such parties or entities may enter into such agreements.

Such agreements shall be signed by an Assistant Attorney General representing the State of Texas and the Defendant's authorized representative or attorney.

**4. IT IS ALSO ORDERED** that Defendants **FORUM TRADING, INC. d/b/a FORUM TECHNOLOGIES, INC.; XIUM, INC.; XEDIA, INC.; SRIG L.L.C.; GREG DOCKERY; FORREST WATSON;** and **ROBERT CARPUS**, their officers, agents servants, employees, attorneys and any other persons in active concert or participation with them, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained from engaging in the following acts or practices:

**A.** Transferring, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, or other written or computer generated materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause;

**B.** Selling, marketing, promoting, distributing, advertising or allowing others to sell, market, promote, distribute, or advertise, the sale of Xpower or the Mega Power Saver by representing, expressly or by implication, that this product 1) will reduce consumers' consumption of electricity or will reduce consumers' electricity bills; or 2) may be eligible for a tax credit from the federal government;

**C.** Accepting or paying monies or remuneration of any type or character for, or in furtherance of, the sale, distribution, marketing, promotion, or advertising relating to the sale of any product that claims to reduce consumers' consumption of electricity, including but not limited to Xpower or the Mega Power Saver, wherein it is represented, expressly or by

implication, that these products 1) will reduce consumers' consumption of electricity or will reduce their electricity bills, or 2) may be eligible for a tax credit from the federal government, unless Defendants have in their possession at the time of the sale, distribution, marketing, promotion or advertising, double-blinded, peer-reviewed scientific evidence substantiating such representations;

**D.** Selling, distributing, sending, mailing, printing, giving, disseminating, advertising, referencing, or allowing any other person, entity or business affiliated with Defendants or subject to their control, directly or indirectly, to sell distribute, send, give, mail, print, advertise, reference, or disseminate, any materials that in any manner represent, expressly or by implication, that any product, including but not limited to Xpower or the Mega Power Saver, 1) will reduce consumers' consumption of electricity or will reduce consumers' electricity bills, or 2) may be eligible for a tax credit from the federal government, unless Defendants have in their possession at the time of the selling, distributing, sending, mailing, printing, giving, disseminating, advertising, or referencing, double-blinded, peer-reviewed scientific evidence substantiating such representations.

**5. IT IS ALSO ORDERED** that Defendants **FORUM TRADING, INC. d/b/a FORUM TECHNOLOGIES, INC.; XIUM, INC.; XEDIA, INC.; SRIG L.L.C.; GREG DOCKERY; FORREST WATSON; and ROBERT CARPUS**, shall notify each and every agent, independent business owner, manager, area manager, or any other person who Defendants have reason to know or believe are marketing Xpower or the Mega Power Saver, of the content and prohibitions contained in this Order. Defendants shall:

A. Post the full text of this Order on the home page of their websites, including but not limited to [www.myfti.biz](http://www.myfti.biz) and [www.myxedia.com](http://www.myxedia.com), and include a link to any notice of this Order on the website of the Office of the Attorney General of Texas.

B. Send a copy of this Order by first class mail within 72 hours after Defendants receive actual notice of this Order, to each and every agent, independent business owner, manager, area manager, or any other person who Defendants have reason to know or believe are marketing Xpower or the Mega Power Saver.

6. **IT IS FURTHER ORDERED** that, as used in this Order, these terms are defined as follows:

A. "Consumer" means an individual, partnership, corporation, or entity of any kind, including this state, or a subdivision or agency of this state who seeks or acquires, by purchase or lease, any goods or services;

B. "Defendant(s)" means **FORUM TRADING, INC. d/b/a FORUM TECHNOLOGIES, INC.; XIUM, INC.; XEDIA, INC.; SRIG L.L.C.; GREG DOCKERY; FORREST WATSON; and ROBERT CARPUS** their successors, assigns, officers, agents, subcontractors, servants, employees, corporations and any other persons in active concert or participation with them;

C. "Person" means an individual, sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity, however organized;

D. "Representing", "selling", "marketing", "promoting", "distributing" or "advertising" means any type of contact with a person or entity for the purpose of requesting, persuading, or

seeking any type of contribution, sponsorship, compensation, or anything of value from said person or entity for any reason whatsoever, including use of the Internet.

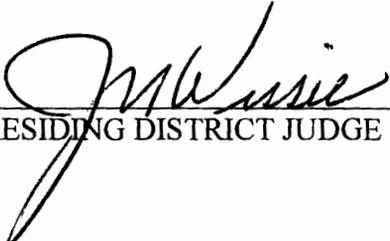
7. **IT IS FURTHER ORDERED** that The State of Texas shall be granted leave to take telephonic, video, written, and other depositions with a Request for Production of any party, person or witness prior to any scheduled temporary injunction hearing and prior to Defendants' answer date upon reasonable shortened notice to Defendants or their attorneys, if known.

8. **IT IS FURTHER ORDERED** that Defendants in this cause be and hereby are commanded forthwith to comply with this Order from the date and time signed until the fourteenth (14th) day thereafter or until further order of this Court, whichever is less.

9. The Clerk of the above-entitled Court shall forthwith issue an *ex parte* temporary restraining order in conformity with the law and the terms of this Order. This Order shall be effective without the execution and filing of a bond as The State of Texas is exempt from such bond under TEX. BUS. & COM. CODE ANN. §17.47(b).

10. A hearing on The State of Texas' Application for a Temporary Injunction is hereby set for the 12 day of May, 2008, at 9:00 o'clock A. M.

SIGNED this 12 day of May, 2008 at 3:34 o'clock, P m.

  
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PRESIDING DISTRICT JUDGE