

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 2:09-cv-229-FtM-29DNF

FOUNDING PARTNERS CAPITAL MANAGEMENT
CO., and WILLIAM L. GUNLICKS,

Defendants,

FOUNDING PARTNERS STABLE-VALUE FUND,
LP, FOUNDING PARTNERS STABLE-VALUE
FUND II, LP, FOUNDING PARTNERS
GLOBAL FUND, LTD., and FOUNDING
PARTNERS HYBRID-VALUE FUND, LP,

Relief Defendants.

TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Sun Capital Healthcare, Inc. and Sun Capital, Inc.'s Motion for Temporary Restraining Order and Preliminary Injunction (Doc. #122) filed on July 22, 2009. An Opposition (Doc. #124) was filed by the court-appointed Receiver. The Court has entered an Opinion and Order contemporaneously with this Temporary Restraining Order, setting forth its findings, granting the motion for temporary restraining order as set forth below, and taking the motion for preliminary injunction under advisement pending oral argument scheduled on July 30, 2009. The Court found that Sun Capital Healthcare, Inc. and Sun Capital, Inc. have established that they are likely to succeed on the merits, are

likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in their favor, and that a temporary restraining order is in the public interest.

Accordingly, it is now

ORDERED:

1. The existing Transfer Notices delivered by the Receiver to SunTrust Bank, and any similar oral or written instructions, are hereby **STAYED** and are to be given no further force and effect by SunTrust Bank unless so ordered by this Court.

2. The Receiver and all of his agents and representatives are hereby **ENJOINED and PROHIBITED** from issuing any other Transfer Notices or similar instructions to SunTrust Bank absent an order of the Court.


3. No bond will be required to be posted by Sun Capital Healthcare, Inc. or Sun Capital, Inc.

4. This Temporary Restraining Order shall expire in **TEN (10) DAYS** unless otherwise ordered by the Court.

5. Oral argument on the motion for preliminary injunction will be held before the undersigned on **Thursday, July 30, 2009** at **10:00 a.m.** in **Courtroom A, Sixth Floor**, of the United States Courthouse, 2110 First Street, Fort Myers, Florida.

6. A copy of this Temporary Restraining Order and the Opinion and Order shall be served upon SunTrust Bank by Sun Capital Healthcare, Inc. or Sun Capital, Inc.

DONE AND ORDERED at Fort Myers, Florida, this 24th day of July, 2009.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record
SunTrust Bank