

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELAINE L. CHAO,

Plaintiff,

v.

CALEB A. GRAY-BURRISS, *et al.*,

Defendants.

Civil Action No. 06-1382 (GK)

TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE WHY  
A PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED

Elaine L. Chao, Secretary of the United States Department of Labor ("the Secretary"), having applied for a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction Should Not Be Issued in this action, and the Court having considered the pleadings, the Sworn Statements and Exhibits filed herein, and the representations of counsel at a hearing held August 4, 2006,

IT IS HEREBY ORDERED THAT:

1. All assets of Defendants Burriss and the National Association of Special Police and Security Officers ("NASPSO"), and all bank accounts, money market accounts, brokerage or mutual fund accounts, wherever they may be found which contain assets of the NASPSO Pension Plan (specifically including, but not limited to, the following bank and certificate of deposit accounts at the Harbor Bank of Maryland: Acct. Nos. 1100058674, 1100058633, and 1100058682; COD Acct. Nos. 15035, 15054, and 15061) be and hereby are frozen and their officers, directors, trustees, fiduciaries, agents, employees, service providers, depositories, banks, accountants, attorneys and any other party acting in concert with or at the direction of Defendants Burriss and NASPSO are hereby

enjoined from expending, transferring, hypothecating, secreting or otherwise disposing of any of the assets of the Defendants or the Pension Plan;

2. Defendants Burriss and NASPSO shall be allowed to pay only essential living expenses from any and all bank accounts wherever they may be found which contain their assets (as opposed to the Pension Plan's assets), and Defendants Burriss and NASPSO are specifically restrained from the payment of any and all extraordinary or unusual expenditures from their assets or from the disposition of their assets. Defendants Burriss and NASPSO are hereby enjoined from expending, transferring, hypothecating, secreting or otherwise disposing of any of their assets except as specifically authorized by this Order of the Court;

3. The *status quo* of the Pension Plan shall be maintained, and all Defendants and their agents, employees, service providers, depositories, banks, accountants, attorneys and any other person or entity with actual notice of this Order and acting in concert with or at the direction of Defendants Burriss or NASPSO are enjoined to preserve and secure all books, records and documents which relate to the administration of said entities and their assets until further direction from this Court and to comply in good faith with the terms of this Order;

4. Defendants Burriss and NASPSO are hereby removed from any position they may currently hold with respect to the Pension Plan and Health Plan, and they are restrained from exercising any authority or control with respect to said Pension Plan and Health Plan and from providing any services to or receiving any compensation from the Pension Plan and Health Plan;

5. Defendants Deco Security Services shall not forward Pension Plan contributions to Defendants Burriss and NASPSO;

6. Defendants SecTek, Inc. and American Security Programs, Inc. shall not forward Health Plan contributions to Defendants Burriss and NASPSO;

7. This Court's Order is issued with the consent of the Defendants and upon the Secretary's showing that there is a strong likelihood that she will prevail on her claims that the fiduciaries of the Pension Plan breached their fiduciary duties under ERISA, as alleged in the Complaint.

**IT IS FURTHER ORDERED THAT:**

8. A representative of the Employee Benefits Security Administration shall serve on all Defendants an executed copy of this Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Plaintiff's Complaint and Application for Temporary Restraining Order and Preliminary Injunction, and all supporting papers.

9. Defendants Burriss and NASPSO shall appear before this Court at the United States District Court for the District of Columbia, Courtroom Number 26A, at 333 Constitution Avenue, N.W., Washington, D.C. 20001 on September 8, 2006, at 9:30 a.m. for a status conference.

This Temporary Restraining Order was entered in the District of Columbia this 4th day August 2006.

/s/  
Gladys Kessler  
United States District Judge

Copies via ECF to all counsel of record