

FILED

SEP 04 2009

DAVID H. YAMASAKI

Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara

DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Plaintiff,)
)
 vs.)
)
 MARIANO ORTEGA,)
 RENE ALVAREZ,)
 Defendants.)

NO. CC954156

ORDER TO SHOW CAUSE &
TEMPORARY RESTRAINING
ORDER (PENAL CODE SECTION
186.11)

ORDER TO SHOW CAUSE & TEMPORARY RESTRAINING ORDER

After considering the attached and incorporated Petition for Temporary Restraining Order by deputy district attorney Michael Fitzsimmons and the accompanying Declaration of Jodi Cole filed by the Santa Clara County District Attorney pursuant to Penal Code section 186.11(e)(2), the Court finds that this is a proper case for issuance of a Temporary Restraining Order and Order to Show Cause.

IT IS THEREFORE ORDERED THAT:

1 A. No person, company, or entity shall engage, directly or indirectly, in the
2 withdrawal, transfer, or negotiation of any money from the bank accounts or
3 certificate of deposit listed below until further order of this Court:
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5 US Bank

- 6 1. account number 153461805449 (Mariano Ortega/M & R Contemporary Solutions)
7 2. account number 153461805431 (Mariano Ortega/M & R Contemporary Solutions)
8 3. account number 153461521046 (Mariano Ortega/M & R Contemporary Solutions)
9 4. account number 153461386176 (Mariano Ortega)
10 5. account number 153460675520 (Mariano Ortega)
11 6. account number 4798531206138481 (Mariano Ortega/OMSS Investments Inc.)
12 7. account number 153461385137 (OMSS Investments)
13 8. account number 153461805688 (Rene Alvarez)
14 9. certificate of deposit 353405966758 (Mariano Ortega)
15 10. account number 153461255785 (Mariano Ortega; Rene Alvarez; M & R Contemporary
16 Solutions)
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18 Bank of America

- 19 1. account number 05819-16894 (Mariano Ortega)
20 2. account number 05811-16893 (Mariano Ortega)
21 3. account number 05812-72902 (Mariano Ortega)
22 4. account number 05812-72889 (Mariano Ortega)
23 5. account number 05811-43622 (Mariano Ortega)
24 6. account number 121000358 (Mariano Ortega/Stephen Beal)
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7. account number 06848-42408 (OMSS Investments Inc.)

Wells Fargo Bank

1. account number 334-2603259 (Mariano Ortega)
2. account number 9612672783 (Mariano Ortega)

Chase/Washington Mutual Bank

1. account number 10630423582107 (Mariano Ortega)

B. The Santa Clara County Office of the District Attorney shall provide a notice regarding the Petition for Temporary Restraining Order by deputy district attorney Michael Fitzsimmons by personal service or registered mail to every person who may have an interest in the property specified in the Petition. The notice shall be published for at least three successive weeks in a newspaper of general circulation in the county where the property affected by an order issued pursuant to this section is located. The notice shall state that any interested person may file a verified claim with the superior court stating the nature and amount of their claimed interest. The notice shall set forth the time within which a claim of interest in the protected property is required to be filed.

C. The Santa Clara County Office of the District Attorney shall serve a copy of the Order to Show Cause/Temporary Restraining Order by personal service or registered mail on all persons known to the District Attorney to have an interest in the property specified herein.

1 D. The above-mentioned banks shall, upon inquiry by any California peace
2 officer, immediately disclose the value of any assets which are held in the above-
3 mentioned accounts, as well as the account numbers and balances of any other
4 accounts held by the respective banks that are held in the name of, or controlled
5 by, Mariano Ortega, Rene Alvarez, M & R Contemporary Solutions, or OMSS
6 Investments Inc.

7 E. As to the above-mentioned bank accounts, the listed banks shall, upon
8 request by any California peace officer, provide copies of monthly statements and
9 any document evidencing the withdrawal or transfer of funds out of the accounts
10 from September 1, 2009 onward.

11 F. The defendants and any other person with an interest in the property or
12 assets specified herein shall show cause why a preliminary injunction should not
13 issue by filing a verified claim with the Court and serving a verified copy of the
14 claim on the District Attorney (Michael Fitzsimmons, Deputy District Attorney)
15 as provided in Penal Code section 186.11(e)(6).
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18 **IT IS SO ORDERED.**

19 Dated: September 4, 2009

20 *Paul R. Teilh*

21 Judge of the Superior Court
22 County of Santa Clara

23 PAUL R. TEILH



24 THE FOREGOING INSTRUMENT IS
25 A CORRECT COPY OF THE ORIGINAL
26 ON FILE IN THIS OFFICE
ATTEST: DAVID H. YAMASAKI

SEP 04 2009

CHIEF EXECUTIVE OFFICER/CLERK
SUPERIOR COURT OF CA COUNTY OF SANTA CLARA
IN AND FOR THE COUNTY OF SANTA CLARA
BY *[Signature]* DEPUTY

