STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

HENRY D. MCMASTER, in his official capacity as SECURITIES COMMISSIONER for the State of SC
☒ Plaintiff

v.

Capital Consortium Group, 3 Hebrew Boys, et al.
☐ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.

2007-CP-40-3116

MOTION AND ORDER INFORMATION FORM AND COVER SHEET

Plaintiff's Attorney:	Defendant's Attorney:
Warren V. Ganjehsani, Bar No. 17040 Address: SC Atty. Gen., PO Box 11549, Columbia SC 29211 phone: 803-734-9916 fax: 803-734-3677 e-mail: other:	Hemphill P. Pride Ii, Bar No. Address: P.O. Box 4529, Columbia, SC 29240 phone: (803) 256-8015 fax: (803) 771-8014 e-mail: other:

FILED
2007 JUN 28 PM 5:03
BARBARA A. SCOTT
C.C.P. & G.S.

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Plaintiff's Motion for Temp. Injunction & Cease and Desist Order
Estimated Time Needed:30 min. Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

June 28, 2007
Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $25.00
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter:
☐ Other:

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.
☐ Other:

JUDGE

CODE: _____ Date: _____

CLERK'S VERIFICATION

Collected by: _____

Date Filed:

☐ MOTION FEE COLLECTED: _____
☐ CONTESTED – AMOUNT DUE: _____

SCCA/233 (11-03)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No. 07-CP-40-3116

HENRY D. MCMASTER,
in his official capacity as the
SECURITIES COMMISSIONER FOR
THE STATE OF SOUTH CAROLINA,

Plaintiff,

-vs-

CAPITAL CONSORTIUM GROUP, LLC;
3 HEBREW BOYS, LLC; TONY POUGH
a/k/a TONY BERNARD POUGH; TIM
MCQUEEN a/k/a TIMOTHY MCQUEEN;
JOSEPH BRUNSON a/k/a JOSEPH B.
BRUNSON; DANIEL DEVELOPMENT
GROUP, LLC; FIRST CITIZENS BANK
AND TRUST CO., INC.;

Defendants.

FILED
2007 JUN 28 PM 5:03
BARBARA A. SCOTT
C.C.C. & G.S.

NOTICE OF MOTION AND MOTION FOR TEMPORARY INJUNCTION
& CEASE AND DESIST ORDER PURSUANT TO S.C. CODE § 35-1-603

TO: DEFENDANTS ABOVE-NAMED

PLEASE TAKE NOTICE THAT Henry D. McMaster, in his official capacity as Securities Commissioner for the State of South Carolina ("Plaintiff"), moves the Court pursuant to the South Carolina Uniform Securities Act of 2005 ("Securities Act" or "Act") for a temporary injunction and cease and desist order enjoining defendants Capital Consortium Group, LLC ("CCG"); 3 Hebrew Boys, LLC ("3HB"); Tony Pough a/k/a Tony Bernard Pough ("Pough"), Tim McQueen a/k/a Timothy McQueen ("McQueen"), Joseph Brunson a/k/a Joseph B. Brunson

("Brunson") and Daniel Development Group, LLC ("Daniel Development") (collectively, "Defendants") from engaging in any act, practice or course of business in connection with the offer or sale of securities (as defined in the Act) in or from the State of South Carolina which are not registered with the State Securities Division or exempted from registration under South Carolina law. Plaintiff asks that the Court order Defendants CCG, 3HB and Daniel Development ("LLCs") to cease all business operations immediately and the LLCs be enjoined from business operations immediately, whether conducted directly or indirectly or through any jointly owned affiliates or subsidiaries and that Defendants Pough, McQueen and Brunson be enjoined from offering or selling securities in or from the State of South Carolina on behalf of the aforesaid LLCs or on their own behalf, whether directly or indirectly through third parties of any kind.

Plaintiff's instant motion is based upon § 35-1-603 of the Act, which provides that if Plaintiff "believes that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of [the Act]" or "is about to . . . materially ai[d] a violation" thereof, Plaintiff can maintain an action "**to enjoin the act, practice, or course of business** and to enforce compliance with [the Act]." S.C. CODE ANN. § 35-1-603(a) (emphasis added). The Act further provides that "upon a proper showing" the court may issue a permanent or temporary injunction and "order other appropriate or ancillary relief," such as:

(A) an **asset freeze**, accounting, writ of attachment, writ of general or specific execution, and **appointment of a receiver** or conservator, that may be the Securities Commissioner, **for the defendant or the defendant's assets**;

(B) ordering the Securities Commissioner to take charge and control of a defendant's property, including investment accounts and accounts in a depository institution, rents, and profits; to collect debts; and to acquire and dispose of property;

(C) imposing a civil penalty in an amount not to exceed ten thousand dollars for each violation; **an order of rescission, restitution, or disgorgement directed to a person that has engaged in an act, practice, or course of business constituting**

> **a violation of this chapter** or the predecessor chapter or a rule adopted or order issued under this chapter.

S.C. CODE ANN. § 35-1-603(b)(1), (b)(2)(A) - (C) (emphasis added).

Plaintiff's motion is also based upon the prohibitions against Defendants' engaging in certain acts set forth in the Order(s) filed June 18, 2007 in Case No. G530109 relating to the setting of a bond, or as otherwise directed by the Court as reflected in the record of the hearing thereof.

Plaintiff requests that such injunction and cease and desist order be binding upon the Defendants, their officers, agents, members, managers, directors, organizers, principals, shareholders, servants, employees, subsidiaries, affiliates, any commonly owned entities, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the injunction and cease and desist order by personal service or otherwise.

Plaintiff further requests that, upon actual notice being provided of an order issued pursuant to the present motion, any individual or entity not already a party to this case shall be enjoined from engaging in any of the proscribed acts set forth herein.

Plaintiff has made a proper showing for the foregoing relief in accordance with § 35-1-603 of the Securities Act and applicable federal law, namely, that there is a reasonable likelihood that Defendants, if not so enjoined, will continue violating the securities laws of this State.

Plaintiff moves for this injunction and cease and desist order without the posting of a bond or other security. S.C. CODE ANN. § 35-1-603(c) (providing that the "Securities Commissioner may not be required to post a bond in an action or proceeding under [the Securities Act]").

Respectfully submitted,

HENRY D. MCMASTER
Securities Commissioner
TRACY A. MEYERS
Assistant Attorney General
T. PARKIN HUNTER
Assistant Attorney General
WARREN V. GANJEHSANI
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-4731

BY: _____

June 28, 2007

RULE 11, SCRCP CERTIFICATION:

Undersigned counsel certifies that consultation would serve no useful purpose as to the foregoing motions.

BY: _____
Warren V. Ganjehsani

June 28, 2007