

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

<b>Commodity Futures Trading Commission,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>Bally Lines Ltd. and GPS Fund Ltd.,</b>  <b>Defendants.</b>	<b>Civil Action No: 8:07-cv-01658-MAP</b>  <b>Judge: Hon. Richard A. Lazzara</b>  <b>Magistrate Judge: Mark A. Pizzo</b>
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**ORDER GRANTING PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENTS  
AGAINST RELIEF DEFENDANTS  
BALLY LINES, LTD. AND GPS FUND, LTD.**

**THIS MATTER** comes before the Court on Plaintiff Commodity Futures Trading Commission's ("CFTC" or "Commission") Motion for an Order of Default Judgment Against Relief Defendants Bally Lines, Ltd. ("Bally Lines") and GPS Fund, Ltd. ("GPS") requiring that the relief defendants disgorge \$452,000 in ill gotten gains received from customers of defendant Edward J. Evors ("Evors").

**I. The Relief Defendants are in Default**

On July 8, 2008, the Plaintiff filed a Motion for Entry of Default against the relief defendants for failure to answer or otherwise respond to the complaint.

(Docket No. 32) On July 8, 2008, the Clerk entered defaults against the Relief Defendants. (Docket Nos. 37 and 38)

**II. The Well-Pleaded Allegations of the Complaint  
Establish that the Relief Defendants Received Funds to Which  
They had No Legitimate Interest and that They Will be Unjustly  
Enriched if They are not Ordered to Disgorge the Funds They  
Received**

On or about July 14, 2004, Fred Bischoff (“Bischoff”) gave Evors a personal check in the amount of \$100,000 payable to Bally Lines. (Compl. 2 and 18) Between July 2004 and May 2006, Evors sent Bischoff quarterly payments totaling approximately \$48,000. (Compl. 19 – 20) Bally Lines had no legitimate interest in the funds it received and will be unjustly enriched unless it is ordered to disgorge the customer funds it received. (Compl. 34 – 35)

On or about April 25, 2005, Ronald Waldron (“Waldron”) wire transferred \$250,000 to a GPS bank account identified by Evors. On or about May 11, 2005, Waldron wire transferred an additional \$150,000 to the GPS bank account. (Compl. 22 and 25) GPS had no legitimate interest in the funds it received and will be unjustly enriched unless it is ordered to disgorge the customer funds it received. (Compl. 34 – 35)

**III. Judgment Is Entered Against the Relief Defendants**

Because the relief defendants are in default, the well-pleaded allegations against them in the Complaint are deemed to be true and the Court hereby enters default judgments for monetary relief in sums certain against the relief defendants pursuant to Fed.R.Civ.P. 55(b). Relief defendant Bally Lines is ordered to disgorge \$52,000 in ill-gotten gains and relief defendant GPS is ordered to

disgorge \$400,000 in ill-gotten gains, to be distributed by the monitor pursuant to the same procedure applied to defendant Evors in Section V. paragraphs A-4 and A-5 of the Consent Permanent Injunction and Other Equitable Relief Against Defendant Edward J. Evors. (Docket 39) Because this disgorgement overlaps the restitution defendant Evors has been ordered to pay (Docket 39), the relief defendants' disgorgement shall be joint and several with defendant Evors' restitution obligation.

**DONE AND ORDERED** at Tampa, Florida, on July 17, 2008.

*s/Richard A. Lazzara*  
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**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

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Counsel of Record