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FILED  
28 JUL 03 PM 4:28  
DISTRICT OF UTAH  
BY: [illegible]

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

<p>SECURITIES AND EXCHANGE COMMISSION,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MERRILL SCOTT &amp; ASSOCIATES, LTD., MERRILL SCOTT &amp; ASSOCIATES, INC., PHOENIX OVERSEAS ADVISERS, LTD., PATRICK M BRODY, DAVID E. ROSS II, and MICHAEL G. LICOPANTIS</p> <p style="text-align: center;">Defendants.</p>	<p><b>CIVIL NO: 2 : 02 CV 0039 C</b></p> <p><b>MOTION FOR CIVIL CONTEMPT AGAINST DEFENDANT PATRICK M. BRODY</b></p> <p><b>Judge Tena Campbell</b></p>
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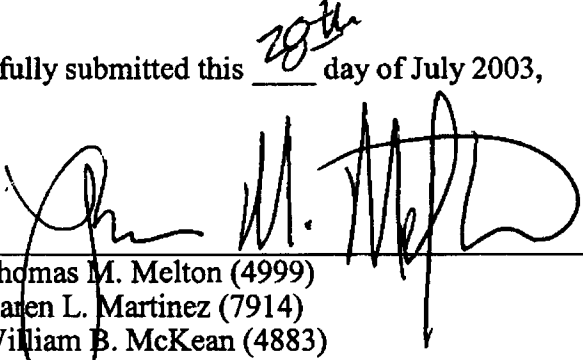
Plaintiff Securities and Exchange Commission moves the Court pursuant to 18 U.S.C. §§ 401 and 402, and Rule 70, Fed. R. Civ. P., for an order holding Defendant Patrick M. Brody ("Brody") in contempt and sanctioning him for continuing violations of the Asset Freeze entered January 15, 2002. Brody's is funding a new entity, Fortune Advisors, Inc., designed to continue the business of Merrill Scott & Associates, Ltd. through sales of the same "Master Financial

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Plan.” Through the Fortune Advisors account, Brody has been spending more than \$10,000 per month on personal expenditures. Moreover, Brody claims to own a house in the Bahamas. That home has been hidden from the Receiver and should be turned over to him. Furthermore, Brody should be required to provide an accounting of all funds he has raised and spent since the entry of the Asset Freeze order.

The Commission further moves the Court for entry of a judgment in favor of the Commission and against Brody for all amounts due the Commission for all of its reasonable costs, expenses and attorney fees incurred in investigating, policing and enforcing the injunction and prosecuting this Motion.

Respectfully submitted this 29<sup>th</sup> day of July 2003,



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