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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MERRILL SCOTT & ASSOCIATES, LTD.,
MERRILL SCOTT & ASSOCIATES, INC.,
PHOENIX OVERSEAS ADVISERS, LTD.,
PATRICK M BRODY,
DAVID E. ROSS II, and
MICHAEL G. LICOPANTIS

Defendants.

CIVIL NO: 2 : 02 CV 0039 C

**MOTION FOR CONTEMPT AGAINST
DAVID E. ROSS II**

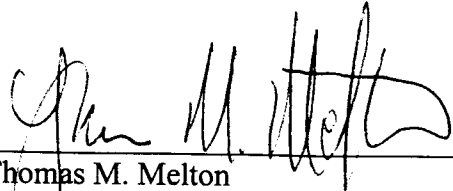
Judge Tena Campbell

The Securities and Exchange Commission, by and through its counsel of record, moves this Court for an Order Holding David E. Ross II ("Ross"), a defendant in this case, in contempt of previously issued Orders of this Court. Ross has transferred, or assisted in the transfer, of funds that were frozen pursuant to this Court's Order dated January 15, 2002. He has deliberately concealed transfers of funds that are under the control of the court-appointed Receiver in this matter.

This Motion is brought pursuant to 18 U.S.C. §§ 401 and 402, and Rule 70, Fed. R. Civ.

P., The Commission respectfully requests that the Court order Ross to repay the monies transferred from the accounts that have been transferred outside the Court's jurisdiction and require Ross to provide the Receiver and counsel for the Commission with a sworn accounting of all accounts over which he now has, or has ever had, control, beneficial or otherwise, or signatory authority, related in any way, directly or indirectly, to Merrill Scott, or any subsidiary, affiliate, related company or person. The accounting should be filed and delivered to the Receiver and counsel for the Commission within ten business days. The Commission also requests that the Court find Ross in contempt of its' prior Orders.

DATED this 23rd day of July, 2003.



Thomas M. Melton
Karen L. Martinez
William B. McKean
Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2003, I caused to be sent via first class U.S. Mail, postage prepaid, a true and correct copy of the Motion for Contempt Against David E. Ross II, Memorandum in Support of Motion for Contempt Against David E. Ross II and the Declaration of David K. Broadbent to:

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ARNOVITZ, SMITH & NIELSON
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Salt Lake City, UT 84101

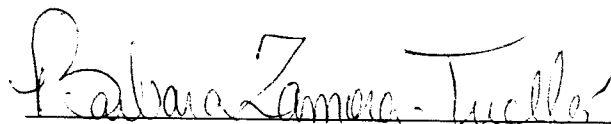
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