

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION**

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*

Plaintiff

v.

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**CIVIL ACTION FILE NO:
6:06-cv-137-Orl-19 KRS**

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EDWARD S. DIGGES, JR., et al.,

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Defendants

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MOTION FOR RELIEF FROM INJUNCTION

Defendant Edward S. Digges, Jr., through the limited appearance of counsel for purposes of this Motion only, moves for relief from the injunction entered on February 15, 2006, and states:

1. On February 1, 2006, Plaintiff filed its Complaint in this matter alleging violations of federal securities laws and other claims.
2. On February 15, 2006, Defendants consented to the entry of an Order Granting Permanent Injunction, Freezing Assets, Appointing a Receiver, and Ordering Other Ancillary Relief (the "Order"). Section IV of the Order freezes all "assets of, or under the control of, Defendants" and restrains Defendant from "directly or indirectly" transferring or otherwise disposing of "property owned by, controlled by, or in the possession of said Defendant."
3. As set forth in the Declaration of Edward S. Digges, Jr. attached to the Memorandum in Support of this Motion (Exhibit D), Defendant is destitute and unable to pay for

basic living expenses. Further, Defendant has been unable to retain counsel to represent him in this case because he has no funds for attorneys' fees as a result of the Injunction.

4. In order to meet basic living expenses and raise money for the payment of attorneys' fees, Defendant's wife desires to cause Chilham, LLC ("Chilham"), a Maryland limited liability corporation indirectly controlled by her, to sell four parcels of unimproved property in Charles County, Maryland (the "Property"). Because a sale of the Property may arguably violate the scope of the Court's Order, Defendant seeks relief from the Order to permit this sale.

5. As set forth in the land records from Charles County, Maryland (Exhibits A, B and C attached to the Defendant's Memorandum), as well as the declaration of Defendant (Exhibit D) and Defendant's wife (Exhibit E attached to the Memorandum), the Property was acquired by Chilham through inheritance from Defendant's father. No proceeds or money derived from the ventures which are the subject of the Complaint in this action have ever been used to acquire, improve, or maintain the Property. The Property is, therefore, beyond the reach of Plaintiff in this action or the Court-appointed Receiver.

WHEREFORE, Defendant Edward S. Digges, Jr. respectfully requests that the Court grant him relief from the Order to permit Chilham to sell the Property to raise money to pay for living expenses and attorneys fees.

Respectfully submitted,

/s/ Gregg L. Bernstein
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Attorneys in Limited Appearance for Sole
Purpose of Defendant's Motion for Relief
From Injunction

REQUEST FOR HEARING

Because of the critical importance of this Motion to Defendant's ability to provide a defense in this action and meet basic living expenses, Defendant respectfully requests a hearing on this Motion.

Approximate time requested: two hours.

/s/Gregg L. Bernstein

Gregg L. Bernstein

CERTIFICATION OF CONFERENCE WITH OPPOSING COUNSEL

I hereby certify that, on June 16, 2006, I conferred with opposing counsel in a good faith effort to resolve the issues raised in this motion, and counsel were unable to resolve these issues, thereby necessitating the need to file this motion.

/s/Gregg L. Bernstein

Gregg L. Bernstein

CERTIFICATE OF SERVICE

I HEREBY certify that I have this 19th day of June, 2006, caused the foregoing to be filed electronically and made available for viewing and downloading from the United States District Court for the Middle District of Florida's CM/ECF system.

/s/Lee Fugate

Lee Fugate