

1 JOHN B. BULGOZDY (Cal. Bar No. 219897)  
Email: bulgozdyj@sec.gov  
2 PETER F. DEL GRECO (Cal. Bar No. 164925)  
Email: delgreco@sec.gov

3 Attorneys for Plaintiff  
4 Securities and Exchange Commission  
Michele Wein Layne, Regional Director  
5 Lorraine Echavarria, Associate Regional Director  
John W. Berry, Regional Trial Counsel  
6 5670 Wilshire Boulevard, 11th Floor  
Los Angeles, California 90036  
7 Telephone: (323) 965-3998  
Facsimile: (323) 965-3908

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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

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12 **SECURITIES AND EXCHANGE**  
**COMMISSION,**

13 Plaintiff,

14 vs.

15 **WORLD CAPITAL MARKET INC.;**  
16 **WCM777 INC.; WCM777 LTD. d/b/a**  
17 **WCM777 ENTERPRISES, INC.; and**  
**MING XU a/k/a PHIL MING XU,**

18 Defendants,  
19 and

20 **KINGDOM CAPITAL MARKET,**  
**LLC; MANNA HOLDING GROUP,**  
21 **LLC; MANNA SOURCE**  
22 **INTERNATIONAL, INC.; WCM**  
23 **RESOURCES, INC.; AEON**  
24 **OPERATING, INC.; PMX JEWELS,**  
25 **LTD.; TOPACIFIC INC.; TO**  
**PACIFIC INC.; VINCENT J.**  
**MESSINA; and INTERNATIONAL**  
**MARKET VENTURES,**

26 Relief Defendants.  
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Case No. CV-14-2334-CAS-MRW

**PLAINTIFF SECURITIES AND**  
**EXCHANGE COMMISSION'S EX**  
**PARTE APPLICATION FOR AN**  
**ORDER (1) FREEZING ASSETS; (2)**  
**REQUIRING DETAILED**  
**ACCOUNTINGS (3) PROHIBITING**  
**THE DESTRUCTION OF**  
**DOCUMENTS; (4) GRANTING**  
**EXPEDITED DISCOVERY; (5)**  
**REPATRIATING ASSETS; AND (6)**  
**APPOINTING A RECEIVER OVER**  
**RELIEF DEFENDANTS TOPACIFIC**  
**INC., A DELAWARE**  
**CORPORATION AND TO PACIFIC**  
**INC., A CALIFORNIA**  
**CORPORATION**

1 TO ALL PARTIES AND THEIR COUNSEL: Plaintiff Securities and  
2 Exchange Commission (“SEC”) respectfully applies, *ex parte*, for an order: (1)  
3 freezing assets of Relief Defendants Vincent J. Messina (“Messina”) and International  
4 Market Ventures (“IMV”) traceable to the fraud in this case, whether held in their  
5 accounts, accounts which they control or in which they have any beneficial interest,  
6 and accounts of any affiliates, correspondent entities, or in which they have any  
7 interest; (2) requiring Messina and IMV to provide, in five days from the date of the  
8 order, a detailed accounting which identifies (a) the date of each receipt of funds and  
9 disbursement; (b) the originating bank, account name, and account number of each  
10 receipt or disbursement; (c) the receiving bank, account name, and account number of  
11 each receipt or disbursement; (d) the amount of each receipt or disbursement; (e) the  
12 business purpose of each receipt or disbursement; and (f) produce documents  
13 concerning each such transaction, including without limitation transfer or wire  
14 instructions, checks, deposit slips, emails concerning the transaction, business records  
15 relating to the transaction (invoices, contracts, debt instruments, investment  
16 agreements), and any other documents relating in any way to the transaction; (3)  
17 requiring Messina and IMV to make all reasonable efforts forthwith to repatriate any  
18 assets transferred to entities outside the country, and to file with the Court, within five  
19 day from the date of the order, a sworn declaration stating their efforts to repatriate  
20 such assets; (4) prohibiting Messina and IMV from destroying any documents relating  
21 to any issue in this proceeding; and (5) allowing the SEC to conduct expedited  
22 discovery concerning the disbursement of funds by Messina and IMV.

23 In addition, the SEC seeks an order appointing Krista Freitag as permanent  
24 Receiver over Relief Defendants ToPacific Inc., a Delaware corporation, and To  
25 Pacific Inc., a California corporation.

26 The SEC seeks this relief *ex parte* because the parties have been unable to  
27 negotiate the scope of a stipulated order as directed by the Court at an April 24, 2014  
28 hearing; new information has come to light concerning Messina’s activity and the

1 activity of IMV, where he is General Counsel; Messina's efforts to date to comply  
2 with the order issued at the April 24, 2014 hearing have been inadequate; and relief is  
3 needed to locate, preserve, protect, and repatriate assets within the possession,  
4 custody, or control of Messina and IMV, and prevent further dissipation of such  
5 assets. In addition, *ex parte* relief is necessary to gain access to information that will  
6 allow the recovery of assets for the benefit of defrauded investors.

7 The SEC seeks appointment of a permanent Receiver over ToPacific Inc. and  
8 To Pacific Inc. *ex parte* to preserve assets and prevent their dissipation.

9 **Local Rule 7-19 Ex Parte Application**

10 On May 6, 2014, the SEC contacted counsel for Defendant Ming Xu, who is  
11 the principal of ToPacific Inc. and To Pacific Inc., to inform counsel that an amended  
12 complaint would be filed naming them as relief defendants and that the SEC would  
13 be seeking an order appointing a receiver over those entities. Counsel for Defendant  
14 Xu replied that there was no objection to the motion.

15 On May 6, 2014, the SEC informed counsel for Vincent J. Messina,  
16 specifically Maranda Fritz, Esq., Thompson Hine LLP, 335 Madison Avenue, New  
17 York, New York 10017. Ms. Fritz's number is (212) 908-3966. Because Messina is  
18 the General Counsel of Relief Defendant International Market Ventures, and is  
19 represented by counsel, we provided notice to Messina's counsel on behalf of IMV.  
20 On May 7, 2014, Ms. Fritz informed the SEC that Messina would oppose some  
21 aspects of the relief and may agree to other aspects, and suggested that the parties  
22 continue to negotiate.

23 Ms. Fritz stated that she had not been retained to represent IMV, but she  
24 understood that IMV would seek dismissal of any complaint naming it as a relief  
25 defendant because it had disbursed all funds that it had received. Ms. Fritz believed  
26 that IMV might provide an accounting.

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1           **Relief Requested**

2           An order, in the form submitted, imposing the relief requested in the  
3 Application.

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5 Dated: May 7, 2014

Respectfully submitted,

7 */s/ John B. Bulgozdy*

8 John B. Bulgozdy  
9 Peter Del Greco  
Attorneys for Plaintiff  
Securities and Exchange Commission

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