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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

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: **SECURITIES AND EXCHANGE COMMISSION,** :  
: **Plaintiff,** : **07-CV-8385 (GEL)**  
: **- against-** : **COMPLAINT**  
: **MORRIS GAD AND NATHAN ROSENBLATT,** :  
: **Defendants.** :  
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Plaintiff Securities and Exchange Commission (“Commission”), for its Complaint against Defendants Morris Gad (“Gad”) and Nathan Rosenblatt (“Rosenblatt”) (collectively the “Defendants”), alleges as follows:

**SUMMARY**

1. The Commission charges Defendants with illegal insider trading in the securities of NBTY, Inc. (“NBTY”), a distributor of nutritional supplements. In July 2004, Rosenblatt, a director of NBTY and member of its audit committee, tipped his close friend Gad with inside information about the company’s significant revenue and earnings shortfall for its third quarter of 2004.

2. NBTY’s financial results for its third quarter, which Rosenblatt received on July 20, 2004, were scheduled to be released to the public after the close of the market on July 22,



















