

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Civil Action No. 9:00-cv-09109

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KEITH GREENBERG, et al.

Defendant.

~~PROPOSED~~ **AMENDED FINAL JUDGMENT**

Upon the Joint Motion of Plaintiff United States Securities and Exchange Commission (“SEC”) and Defendant Keith Greenberg (“Mr. Greenberg”) ^(DE 105) the Court finds that Mr. Greenberg has purged his contempt and that good cause exists for modification of the terms of the Final Judgment entered in this case against Mr. Greenberg and Coyote Consulting and Financial Services, LLC (pleaded as LLP), in August, 2002 (the “Final Judgment”). Therefore,

IT IS HEREBY ORDERED as follows:

1. [^] This Court’s May 21, 2015 Order holding Mr. Greenberg in contempt is vacated; *(105) is granted and*
2. Pursuant to an agreement reached between and among the parties to this litigation and the parties to the related litigation, SEC v. First Rock Trustees Ltd., as Trustee of the Elise Trust, et al., Civil Action No. 1:15-cv-21176-RNS (S.D. Fla.) (the “First Rock Litigation”), the amount due under the Final Judgment is modified to reflect an amount due of \$3 million (the “Modified Final Judgment”) to be paid as follows:

- a) Upon entry of this Order, the sum of \$500,000, deposited into the Court Registry on October 5, 2015 in this litigation, will be paid by the Clerk of the Court to the SEC;
- b) Mr. Greenberg will pay the SEC, or cause the SEC to be paid, the sum of \$1.5 million within 90 days of the closing of the sale of the house located at 15 Sullivan Road, Golden's Bridge, New York 10526 (the "Golden's Bridge Property");
- c) Mr. Greenberg will pay the SEC, or cause the SEC to be paid, the balance due of the Modified Final Judgment ("Final Payment Date") on or before six years to the date after the entry of a Stipulation of Dismissal with prejudice of the First Rock Litigation;
- d) If, at any time, prior to the Final Payment Date, Vantage Beach Holdings LLC receives a recovery from the final adjudication of the litigation entitled U.S. Cardiovascular LLC v. EHK DMMS LLC, 15-012445-CB (Wayne Co., Mich.), Mr. Greenberg will pay, or cause Vantage Beach Holdings LLC to pay, the SEC any amount still remaining due under the Modified Final Judgment up to and including the sum of \$1 million.

IT IS HEREBY FURTHER ORDERED:

1. Within 30 days of the entry of this ORDER, First Rock Trustees Ltd., as Trustee of the Elise Trust (the "Trustee") shall execute and deliver a mortgage in the amount of \$2.5 million in favor of the SEC (the "First Mortgage") on the condominium unit located at 17201 Collins Avenue, #2502, Sunny Isles, Florida, 33160 (the "Florida Condo").

2. Within 30 days of receipt by the SEC of the \$1.5 million payment required to be paid after the sale of the Golden's Bridge Property, the SEC shall reduce the First Mortgage and record a new mortgage in the amount of \$1 million on the Florida Condo (the "Second Mortgage");
3. Within 30 days of receipt of partial or full payment of the Modified Final Judgment, the SEC shall release the First or Second Mortgage (whichever applicable) and execute a partial or full satisfaction of mortgage on the Florida Condo (in recordable form);
4. If the Modified Final Judgment is not paid in full by the Final Payment Date, the Trustee will enter its consent in a foreclosure action to be commenced by the SEC;
5. Upon entry of this ORDER, the SEC shall execute a Stipulation of Dismissal with Prejudice in the First Rock Litigation and deliver it to the Defendants in that litigation for execution and filing;
6. The Clerk of this Court is authorized and directed to pay all funds presently being held in the Registry in connection with the above captioned action, together with all interest accrued thereon, by check payable to the "United States Securities and Exchange Commission" and mail or deliver the check(s) to the following address: Enterprise Services Center, Accounts Receivable Branch, 6500 South MacArthur Boulevard, Oklahoma City, OK 73169. Such payment shall be accompanied by a cover letter copied to the Commission's counsel of record that identifies the caption and action number of this case, the name of this Court, and indicates that the funds are being paid pursuant to this Amended Final Judgment; and,

7. Upon receipt of all funds received pursuant to this Amended Final Judgment, the Commission shall remit such funds to the United States Treasury.

Dated: March ~~16~~ 2016

SO ORDERED:


Daniel T.K. Hurley
United States District Judge