

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

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	
	:	No. 08 CIV 4520 (PAC)
v.	:	
	:	Related Case: 08-cv-6609 (PAC)
CRISTIAN DE COLLI,	:	
	:	
Defendant.	:	

NOTICE OF PLAINTIFF’S MOTION AND MOTION FOR AN ORDER TO SET ASIDE PREJUDGMENT INTEREST, DISBURSE FUNDS TO PAY COUNTER-PARTIES AND TRANSFER REMAINING FUNDS TO A NON-INTEREST BEARING ACCOUNT

NOTICE

PLEASE TAKE NOTICE that, based upon the accompanying Declaration of Nichola L. Timmons executed on August 14, 2014 and Memorandum of Law in Support of this Motion, plaintiff, United States Securities and Exchange Commission (the “Commission”) will move this court, the Honorable Paul A. Crotty, at a date, time, and place as may be determined by the Court, for an order (1) setting aside all prejudgment interest paid into the Distribution Fund and not distribute it to Counter-Parties; (2) disbursing \$68,236.00 to pay Counter-Parties as provided in the Distribution Plan approved by this Court on September 18, 2013 [Docket No. 47]; and (3) transferring any remaining funds held in the Court Registry Investment System (“CRIS”), Account Number 08-CIV-4520 (PAC), to a non-interest bearing account held by the Court.

MOTION

The Commission hereby submits this Motion for an Order to: 1) set aside all prejudgment interest paid into the Distribution Fund and not distribute it to Counter-Parties; 2) disburse \$68,236.00 to pay Counter-Parties as provided in the Distribution Plan approved by this Court on September 18, 2013 [Docket No. 47]; and 3) transfer any remaining funds held in the CRIS, account number 08 CIV 4520 (PAC), to a non-interest bearing account held by the Court.

In support of this Motion, the Commission submits the Declaration of Nichola L. Timmons and its Memorandum of Law in Support of Motion for an Order to Disburse Funds to Pay Counter-Parties and Transfer Remaining Funds to a Non-Interest Bearing Account.

WHEREFORE, the Commission respectfully requests that this Court enter the proposed Order and grant such other relief as the Court deems just and proper.

Dated: August 15, 2014

Respectfully submitted,

/s/ Nichola L. Timmons
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