

1 HELANE L. MORRISON (CA Bar No. 127752)
2 JAMES A. HOWELL (CA Bar No. 92721)
3 JINA L. CHOI (Admitted to New York State Bar)

4 Attorneys for Plaintiff
5 SECURITIES AND EXCHANGE COMMISSION
6 44 Montgomery Street, Suite 2600
7 San Francisco, California 94104
8 Telephone: (415) 705-2500
9 Facsimile: (415) 705-2501

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 SECURITIES AND EXCHANGE COMMISSION, Case No. C 02-2003 DLJ

14 Plaintiff,

15 vs.

16 WILLIAM M. UCHEREK,

17 Defendant.

NOTICE OF WITHDRAWAL OF PRAYER
FOR MONETARY RELIEF

18 Plaintiff Securities and Exchange Commission ("Commission") hereby gives notice of
19 withdrawal of its prayer for civil penalty against Defendant William Ucherek.

20 **A. Background**

21 On June 17, 2002, pursuant to a written consent, the Court entered a Final Judgment of
22 Permanent Injunction and Other Relief Against William M. Ucherek. The Judgment enjoined Pado
23 from future violations of the anti-fraud provisions of the federal securities laws, 15 U.S.C. §§ 77q(a)
24 and 78j(b) and 17 C.F.R. §§ 240.10b-5. The Judgment also ordered Ucherek to pay disgorgement
25 and a civil penalty, each in an amount to be determined later.

26 After the consent judgment was entered, Ucherek was indicted in a federal criminal case
27 based on the same facts. *U.S. v. Ucherek*, CR 02-40142 DLJ (N.D. Cal.). Ucherek subsequently
28

1 pleaded guilty to certain counts of the indictment. On July 12, 2004, this Court sentenced Ucherek to
2 56 months incarceration and ordered him to pay restitution in the amount of \$1,041,278.

3 **B. Withdrawal of Prayer for Monetary Relief**

4 Based upon the criminal sentence imposed on Ucherek, the Commission has determined that
5 it will not seek to set amounts for disgorgement or civil penalties that Ucherek must pay.
6 Accordingly, the Commission withdraws its prayer for disgorgement and civil penalties against
7 Ucherek.

8 Dated: August 4, 2005

9 _____
10 James A. Howell
11 Attorney for Plaintiff
12 SECURITIES AND EXCHANGE COMMISSION
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28