

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO: 02-20858-CIV-Marra**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

**ACE PAYDAY PLUS, LLC, d/b/a
ACE PAYDAY PLUS II;
ACE PAYDAY MANAGEMENT, INC.;
ACE MANAGEMENT, LLC, and
JAMES BIANCO**

Defendants,

ROSALIND PORTMAN BIANCO,

Relief Defendant.

**ORDER ON MOTION TO MODIFY JUDGMENTS
BY CHANGING PAYEE TO SECURITIES AND EXCHANGE COMMISSION
WITH FUNDS TO BE REMITTED TO THE UNITED STATES TREASURY**

THIS CAUSE is before the Court upon the motion of the plaintiff Securities and Exchange Commission (the "Commission") that the Court modify the judgments entered in this action by changing the payee from Jane W. Moskowitz, Esq., as Receiver, to the Commission, and directing that all funds paid to the Commission pursuant to such judgments be remitted to the United States Treasury. Having reviewed the Motion, the applicable law, and being otherwise duly advised, the Court finds that the Motion should be granted. (DE 95)

Based upon the above, it is hereby

ORDERED that:

1. Paragraph IV of the Final Judgment entered against the defendant James Bianco on April 7, 2004 (D.N. 89), is modified to read as follows:

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$1,593,800.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$248,322.64. Defendant shall satisfy this obligation by paying \$1,842,122.64 to the Securities and Exchange Commission.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account or by credit or debit card via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; James Bianco as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such

funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

2. Paragraph V of the Final Judgment entered against the defendant James Bianco on April 7, 2004 (D.N. 89) is deleted.
3. Paragraph I of the Final Judgment entered against the relief defendant Rosalind Portman Bianco on April 7, 2004 (D.N. 90), is modified to read as follows:

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Relief Defendant Rosalind Portman Bianco is liable for disgorgement of \$125,106.00, representing her receipt of Ace Payday investor funds from Defendant James Bianco and the Ace Payday Defendants for which she provided no value in return, together with prejudgment interest thereon in the amount of \$17,055.07, of which a portion has been paid so that the amount now due is \$122,761.07 and postjudgment interest. Relief Defendant shall satisfy this obligation by paying \$122,761.07 to the Securities and Exchange Commission.

Relief Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account or by credit or debit card via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Relief Defendant may also pay by certified check, bank cashier's check, or United States postal money order

payable to the Securities and Exchange Commission, which shall be delivered or mailed to

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and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Rosalind Portman Bianco as a relief defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Relief Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Relief Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Relief Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after entry of this Final Judgment. Relief Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

4. Paragraph II of the Final Judgment entered against the relief defendant Rosalind Portman Bianco on April 7, 2004 (D.N. 89) is deleted.

5. This Court shall retain jurisdiction to enforce the judgments against the defendant James Bianco and against the relief defendant Rosalind Portman Bianco.

DONE AND ORDERED in Chambers, at West Palm Beach Florida, this 3rd day of May, 2012.



THE HONORABLE Kenneth A. Marra
UNITED STATES DISTRICT JUDGE