

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-60804-CIV-JORDAN

SECURITIES AND EXCHANGE COMMISSION,)
)
Plaintiff,)
)
v.)
)
HELVETIA PHARMACEUTICALS, INC.,)
RICHARD A. ANDERS,)
NICHOLAS BACHYNSKY,)
ARTHUR SCHEINERT and)
LAURENCE DEAN,)
Defendants.)
_____)

PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF CLAIMS FOR DISGORGEMENT AND CIVIL PENALTIES AGAINST DEFENDANTS SCHEINERT, DEAN, AND HELVETIA PHARMACEUTICALS

Plaintiff Securities and Exchange Commission, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, files this Notice of Voluntary Dismissal with prejudice as to the Commission’s claims for disgorgement and civil penalties against Defendants Arthur Scheinert, Laurence Dean, and Helvetia Pharmaceuticals.¹

Date: August 26, 2010

Respectfully submitted,

By: s/ Scott A. Masel
Scott A. Masel

¹ Defendant Arthur Scheinert previously consented to a Judgment for full injunctive relief (D.E. 69, 72), and this voluntary dismissal therefore concludes the Commission’s litigation against him. Pursuant to settlements, the Commission also is contemporaneously filing Consents by Defendants Nicholas Bachynsky and Richard Anders to Final Judgments, which, among other things, enter injunctive relief for the Commission and dismiss its monetary claims, thereby concluding the Commission’s case against Bachynsky and Anders. Because this voluntary dismissal also eliminates the Commission’s claims for monetary relief against Defendants Laurence Dean and Helvetia Pharmaceuticals, Inc., the only remaining matters to litigate in this case are the Commission’s pending Motion for Summary Judgment against Dean (D.E. 83) and its Motion for Default Judgment against Helvetia (D.E. 86). Dean and Helvetia have failed to respond to these motions, which the Commission believes the Court may now enter by default.

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Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 26, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Scott A. Masel
Scott A. Masel

SERVICE LIST

Securities and Exchange Commission v. Helvetia Pharmaceuticals, Inc., et al
Case No. 04-60804-CIV-JORDAN
United States District Court, Southern District of Florida

Richard A. Anders
Inmate Reg. No. 44503-019
FCI Fort Worth
Federal Correctional Institution
P.O. BOX 15330
Fort Worth, TX 76119
Defendant
Service by U.S. Mail

Helvetia Pharmaceuticals, Inc.
c/o Richard Anders, President
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P.O. BOX 15330
Fort Worth, TX 76119
Defendant
Service by U.S. Mail

Arthur Scheinert
Inmate Reg. No. 63646-004
CCM Miami - Community Corrections Office
401 N. Miami Avenue
Miami, FL 33128
Defendant
Service by U.S. Mail

Nicholas Bachynsky
Inmate Reg. No. 47424-079
Coleman Low
Federal Correctional Institution
P.O. BOX 1031
Coleman, FL 33521
Defendant
Service by U.S. Mail

Laurence Dean²
Inmate Reg. No. 63693-004
Miami Federal Detention Center
33 NE 4th Street
Miami, FL 33132
Defendant

² Dean was deported after completing his criminal sentence, and has not provided an updated address of record.