

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

JUDGMENT
05-CV-4643 (MKB)

EHRENKRANTZ KING NUSSBAUM, INC.,
ANTHONY OTTIMO, and BRENDAN E.
MURRAY,

Defendants.

-----X

An Order of the Honorable Margo K. Brodie, United States District Judge, having been filed on March 6, 2013 adopting the Report and Recommendation, dated February 14, 2013, of Magistrate Judge Gary R. Brown; ordering a permanent injunction enjoining defendant Brendan E. Murray from future violations of Section 17(a)(1) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and Section 15(c)(1) of the Securities Exchange Act of 1934; and ordering disgorgement in the amount of \$90,183.00 and a civil penalty in the amount of \$90,183.00 as against defendant Brendan Murray; and directing the entry of a final judgment, the claims against Ehrenkrantz King Nussbaum, Inc. and Anthony Ottimo having previously been dismissed on June 9, 2008; it is

ORDERED, ADJUDGED AND DECREED that defendant Brendan E. Murray is permanently restrained and enjoined from violating Section 17(a)(1) of the Securities Act of 1933 [15 U.S.C. § 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. §

JUDGMENT 05-CV-4643

78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], and Section 15(c)(1) of the Securities Exchange Act of 1934 [15 U.S.C. § 78o(c)(1)] by the use of any means or instrumentality or interstate commerce, or of the mails, or of any facility or any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;
- (c) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

FURTHER ORDERED, ADJUDGED AND DECREED that defendant Brendan E. Murray shall pay disgorgement of \$90,183.00 and a civil penalty of \$90,183.00.

Dated: Brooklyn, New York
March 7, 2013

DOUGLAS C. PALMER
CLERK OF COURT

by:
Michele Gapinski
Chief Deputy