

jointly and severally, pursuant to the orders issued on March 27, 2007 and June 7, 2007. Based on Amella's sworn representations in his Statement of Financial Condition dated June 28, 2007, and other documents and information submitted to the Commission, however, the Court is not ordering Defendant Amella to pay a civil penalty and payment of all the \$21,431.71 in pre-judgment interest is waived. The determination not to impose a civil penalty and to waive payment of pre-judgment interest is contingent upon the accuracy and completeness of Amella's Statement of Financial Condition. If at any time following the entry of this Order the Commission obtains information indicating that Defendant Amella's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion, and without prior notice to Defendant Amella, petition the Court for an order requiring Defendant Amella to pay pre-judgment interest and post-judgment interest thereon and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Defendant Amella was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Defendant Amella to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Order. The Commission may also request additional discovery. Defendant Amella may not, by way of defense to such petition: (1) challenge the validity of the Consent or this Order; (2) contest the allegations in the Complaint; (3) assert that payment of prejudgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement or pre-judgment interest or post-judgment interest; (5) contest the imposition of the maximum civil

penalty allowable under the law; or (6) assert any defense to liability or remedy, including but not limited to any statute of limitations defense.

II.

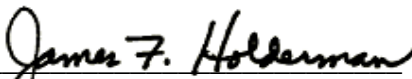
IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the Consent for Defendant Amella is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant Amella shall comply with all of the undertakings and agreements set forth therein.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Order.

DATED: November 1, 2007

SO ORDERED:



Judge James F. Holderman
United States District Judge