

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

GRYPHON HOLDINGS, INC., ET AL.,

Defendants and Relief Defendants.

**No. 10 civ. 1742 (JBW)
ECF Case**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 15 2011 ★
BROOKLYN OFFICE

[PROPOSED] FINAL JUDGMENT

WHEREAS, on December 13, 2010, the Court permanently enjoined defendants Robert Anthony Budion and James T. Levier from violating Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), Rule 10b-5 thereunder, and Sections 206(1) and (2) of the Investment Advisers Act of 1940 ("Advisers Act") (Docket Entries ("DE") 204, 205);

WHEREAS, on July 17, 2011, the Court granted the motion of plaintiff Securities and Exchange Commission ("SEC") for partial summary judgment against defendants Kenneth E. Marsh and Gryphon Holdings, Inc., and permanently enjoined Marsh and Gryphon from violating Section 10(b) of the Exchange Act, Rule 10b-5, and Sections 206(1) and (2) of the Advisers Act (DE 265);

WHEREAS, on August 24, 2011, the Court granted the motion of the SEC for partial summary judgment against defendants Jeanne M. Lada and Baldwin Anderson, and permanently enjoined Lada and Anderson from violating Section 10(b) of the Exchange Act, Rule 10b-5, and Sections 206(1) and (2) of the Advisers Act (DE 271);

WHEREAS, each of defendants Anderson, Budion, Lada, Levier, and Marsh and relief

defendants Richard Borrello, Nicole Marsh, Michael Scarpaci, Dominic Spinelli, and Paul Stokes have entered a plea of guilty in the related criminal action, United States v. Marsh, et al., 10-cr-480 (E.D.N.Y.); and

WHEREAS, defendants Anderson, Budion, Lada, Levier, and Marsh and relief defendants Borrello, Nicole Marsh, Michael Scarpaci, Dominic Spinelli, and Paul Stokes have been sentenced in the related criminal action to incarceration and to pay restitution in the collective amount of \$11,068,375.92 (10-cr-480, DE 449).

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

I.

The SEC's claims for disgorgement, prejudgment interest, and civil penalties pursuant to Section 209(e)(1) of the Advisors Act and Section 21(d)(3) of the Exchange Act against defendants Anderson, Budion, Lada, Marsh, and Levier are hereby deemed satisfied by the sentences of incarceration and restitution imposed on these defendants in the related criminal action if not overturned.

II.

The SEC's claims for relief against Borrello, Nicole Marsh, Scarpaci, Spinelli, and Stokes are hereby deemed satisfied by the sentences of restitution imposed on these defendants in the related criminal action if not overturned.

III.

The SEC's claims for relief against relief Gina Mungiovi and for disgorgement, prejudgment interest, and civil penalty pursuant to Section 209(e)(1) of the Advisors Act and Section 21(d)(3) of the Exchange Act against defendant Gryphon, are hereby dismissed.

IV.


The Court's prior judgments, entering partial judgment and permanent injunctions against defendants Anderson, Budion, Lada, Levier, Marsh, and Gryphon are incorporated in full into this Final Judgment.

V.

This Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

Dated: 11/14, 2011

Close the case



The Honorable Jack B. Weinstein
United States District Judge