

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CASE NO.: 6:11-cv-1440-Orl-18GJK

**SECURITIES AND EXCHANGE)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
JAMES DAVIS RISHER and)
DANIEL JOSEPH SEBASTIAN,)
)
Defendants.)
_____)**

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH
PREJUDICE OF ITS CLAIMS FOR DISGORGEMENT AND
A CIVIL PENALTY AGAINST DEFENDANT DANIEL JOSEPH SEBASTIAN**

Plaintiff Securities and Exchange Commission hereby files this Notice of Voluntary Dismissal with prejudice as to its claims for disgorgement and a civil penalty against Defendant Daniel Joseph Sebastian.

On December 6, 2011, the Court entered final judgment and permanent injunction by consent against Sebastian. (D.E. # 10.) The only outstanding issue, as to Sebastian, is the amounts of the disgorgement and civil penalty claims, if any, to be sought by the Commission. The Commission now voluntarily dismisses its disgorgement and civil penalty claims against Sebastian because of, among other things, his death. (D.E. # 20).

With this voluntary dismissal of the disgorgement and civil penalty claims against Sebastian – and the permanent injunction already in place – all issues related to Sebastian in this case are now resolved. In fact, once the Court rules on the Commission's pending motion for default judgment against Risher and the corresponding notice of voluntary dismissals of the

disgorgement and civil penalty claims against Risher, all issues would be resolved in this case and the Court should then close the case.

Respectfully submitted,

March 22, 2013

By: s/ James M. Carlson

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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2013, 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 for records or *pro se* parties via the methods of service described below.

s/ James M. Carlson

Daniel Joseph Sebastian
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(*not yet appeared*)
Via: First Class U.S. Mail

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