

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

U.S. SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

CLAY CAPITAL MANAGEMENT,  
LLC, JAMES F. TURNER II, SCOTT A.  
VOLLMAR, SCOTT A. ROBARGE, and  
MARK A. DURBIN,

Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 2:11-cv-05020-DMC-JBC

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon Plaintiff U.S. Securities and Exchange Commission's ("Commission" or "Plaintiff") Motion for Summary Judgment against Defendant Scott A. Vollmar ("Vollmar" or "Defendant"). (Pl.'s Mot. for Summ. J., Mar. 27, 2013, ECF No. 41). Pursuant to Fed. R. Civ. P 78, no oral argument was heard. Upon careful consideration of the submissions of the parties, and based upon the Court's Opinion filed this day;

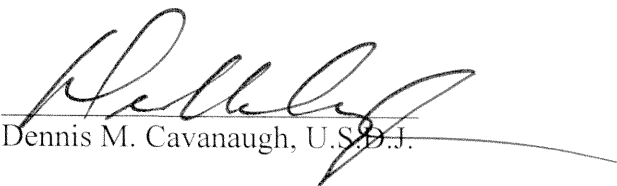
IT IS on this 6 day of November, 2013;

**ORDERED** that Plaintiff's Motion for Summary Judgment is **granted**.

**ORDERED** that Defendant Vollmar is permanently restrained and enjoined from violating Section 17(a) of the Securities Act, Section 10(b) and 14(e) of the Exchange Act, and Rules 10b-5 and 14e-3 thereunder.

**ORDERED** that Defendant Vollmar is liable to the Commission for disgorgement in the amount of \$627,574.

**ORDERED** that the Commission's request for prejudgment interest and a civil penalty is **denied**.

  
Dennis M. Cavanaugh, U.S.D.J.

Date: November 6, 2013  
Original: Clerk's Office  
cc: Hon. James B. Clark, U.S.M.J.  
All Counsel of Record  
File