

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 11-61457-CIV-DIMITROULEAS/SNOW**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

DONALD W. KLEIN and  
KCM HOLDINGS, CORP.,

Defendants.

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**ORDER APPROVING NOTICE OF VOLUNTARY PARTIAL DISMISSAL  
WITH PREJUDICE**

THIS CAUSE is before the Court upon Plaintiff's Notice of Voluntary Dismissal [DE 19], filed January 27, 2012. The Court has carefully considered the Notice and is otherwise fully advised in the premises.

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order "before the opposing party serves either an answer or a motion for summary judgment," as is the case here. Plaintiff desires to dismiss its claims against Defendant Donald W. Klein. The Court previously entered a permanent injunction against Defendant Klein. [DE 8]. Plaintiff originally brought disgorgement and civil penalty claims against Defendant Klein, but now seeks to dismiss those claims.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Notice of Voluntary Dismissal [DE 19] is **APPROVED**;
2. All claims related to Defendant Klein are **DISMISSED with prejudice**;

3. This cause remains **OPEN** as to Defendant KCM Holdings, Corp.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida this  
30th day of January, 2012.

  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies furnished to:

Counsel of record