

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES SECURITIES AND	)	
EXCHANGE COMMISSION,	)	CASE NO. 5:12CV0642
	)	
Plaintiff,	)	
	)	JUDGE BENITA Y. PEARSON
v.	)	
	)	
ANDREW J. FRANZ,	)	
	)	
Defendant.	)	<b><u>ORDER OF DISMISSAL</u></b>

On March 16, 2012, the Court entered a Partial Final Judgment and Order of Permanent Injunction, Asset Freeze and Other Relief ([ECF No. 8](#)). On June 14, 2012, the Court entered its Findings of Fact and Conclusions of Law ([ECF No. 25](#)) in support of [ECF No. 8](#). The only claims that currently remain are monetary claims for (1) disgorgement and (2) a civil penalty.

The Court has been advised by the filing of the parties' Second Status Report ([ECF No. 38](#)) that

. . . the SEC staff intends to recommend to the Commission that the SEC dismiss its claims for disgorgement. . . . [T]he SEC staff also intends to recommend to the Commission that the SEC dismiss its claims for a civil penalty. If this recommendation is approved by the Commission, the SEC staff will file a motion for Final Judgment with the Court in which the SEC moves to dismiss, without prejudice, its claims for monetary relief in this case. . . .

[ECF No. 38 at PageID #: 618-19.](#)

Accordingly, the docket will be marked "dismissed without prejudice."

(5:12CV0642)

Within ninety (90) days, Plaintiff may file a Motion for Final Judgment and submit a proposed Judgment Entry setting forth different terms and conditions relative to the dismissal of this case, which, if approved, shall supersede this order.

The Telephonic Status Conference set for November 20, 2013 is canceled.

IT IS SO ORDERED.

October 31, 2013  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge