

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

CASE NO. 0:12-cv-61079-KMW

SECURITIES AND)
EXCHANGE COMMISSION,)
)
 Plaintiff,)
v.)
)
JOSEPH J. REPKO,)
MICHAEL M. CIMINO, and)
SURE TRACE SECURITY CORP.)
)
 Defendant.)
_____)

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH
PREJUDICE OF ITS CLAIM FOR A CIVIL PENALTY AGAINST
DEFENDANT MICHAEL M. CIMINO**

On November 28, 2012, the Court entered a default judgment of permanent injunction against Defendant Michael M. Cimino. (D.E. 26). The only outstanding issue as to Cimino is the amount of a civil penalty, if any, to be sought by the Commission. (*Id.* at 4).

The Commission now voluntarily dismisses its civil penalty claim against Cimino due to sanctions imposed in a parallel criminal case. *United States v. Cimino*, Case No. 1:12-cr-20464-FAM (S.D. Fla.). In December 2012, the Court in the parallel criminal case sentenced Cimino to 4 months incarceration, a \$10,000 fine, and forfeiture of \$28,000, the amount of his ill-gotten gains in this matter.

With this voluntary dismissal of the civil penalty claim against Cimino – and the permanent injunction and other ordered relief remaining in place against him (D.E. 26) – all issues related to Cimino in this case are now resolved.

Respectfully submitted,

March 28, 2013

By: s/Robert K. Levenson
Robert K. Levenson
Regional Trial Counsel
Fla. Bar No. 0089771
Attorney for Plaintiff
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
Telephone: (305) 982-6341
Facsimile: (305) 536-4154
Email: levensonr@sec.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 28, 2013, I electronically filed the above document using CM/ECF. I also certify that the foregoing document is being served this day on all counsel for records identified on the below Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel for parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Robert K. Levenson
Robert K. Levenson, Esq.

SERVICE LIST

BY U.S. MAIL

Michael M. Cimino
7925 Ridge Avenue, Apt. 1
Philadelphia, PA 19128