

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

**CASE NO. 12-CV-62211-DIMITROULEAS/SNOW**

**SECURITIES AND EXCHANGE COMMISSION,** )  
)  
**Plaintiff,** )  
**v.** )  
)  
**JAMES F. ELLIS,** )  
)  
**Defendant.** )  
\_\_\_\_\_ )

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH  
PREJUDICE OF ITS CLAIMS FOR DISGORGMENT, PREJUDGMENT INTEREST,  
AND CIVIL PENALTY AGAINST DEFENDANT JAMES F. ELLIS**

Plaintiff Securities and Exchange Commission dismisses its claims for disgorgement, prejudgment interest, and a civil penalty against Defendant James F. Ellis as a result of sanctions in the parallel criminal case Ellis received. In that case, Ellis was sentenced to 38 months in prison and ordered to pay restitution of \$3,302,610.85. There are no remaining issues in this litigation.

Respectfully submitted,

August 9, 2013

By: s/ Robert H. Murphy  
Robert H. Murphy  
Senior Counsel  
SDFL Special Bar No. A5501739  
New York Bar Reg. No. 2928075  
Direct Dial: (305) 982-6388  
E-mail: murphyrob@sec.gov

**ATTORNEYS FOR PLAINTIFF  
SECURITIES AND EXCHANGE COMMISSION  
801 Brickell Avenue, Suite 1800  
Miami, Florida 33131  
Telephone: (305) 982-6300  
Facsimile: (305) 536-4154**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 9, 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 on this day on all counsel of record or *pro se* parties identified on the attached 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 or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Robert H. Murphy

**SERVICE LIST  
SEC v. James F. Ellis  
Case No.: 12-CV-62211- DIMITROULEAS/SNOW  
United States District Court, Southern District of Florida**

Raymond D'Arsey Houlihan, III  
Federal Public Defender's Office  
150 W Flagler Street  
Miami, FL 33130-1556  
305-530-7000