

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-cv-80496-MARRA/MATTHEWMAN

SECURITIES AND EXCHANGE)
COMMISSION,)
Plaintiff,)
v.)
DANIEL P. McKELVEY *et al.*,)
Defendants,)
and)
AU CONSULTING LLC *et al.*,)
Relief Defendants.)
_____)

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH
PREJUDICE OF ITS CLAIMS FOR DISGORGEMENT AND
A CIVIL PENALTY AGAINST DEFENDANT ALVIN S. MIRMAN**

Plaintiff Securities and Exchange Commission hereby files this Notice of Voluntary Dismissal with prejudice as to its claims for disgorgement and a civil penalty against Defendant Alvin S. Mirman ("A. Mirman").

On July 11, 2016, the Court entered final judgment and permanent injunction by consent against A. Mirman. [D.E. 94.] As discussed in the Commission's Status Report [D.E. 97], the only outstanding issues as to A. Mirman are the amounts of the disgorgement and civil penalty claims, if any, to be sought by the Commission.

The Commission now voluntarily dismisses its disgorgement and civil penalty claims against A. Mirman because of, among other things, his sentencing in the parallel criminal case. *See United States v. Mirman, et al*, Case No. 16-cr-20572-CMA. Specifically, on February 15, 2017, the court in the parallel criminal case ordered A. Mirman to forfeit \$2,409,806 in ill-gotten

property, including the disgorgement jointly sought in this matter, and on February 21, 2017, that court sentenced A. Mirman to twelve months in prison. *United States v. A. Mirman*, 16-cr-20572-CMA, [D.E. 57, 70].

With this voluntary dismissal of the disgorgement and civil penalty claims against A. Mirman – and the permanent injunction remaining in place against A. Mirman [D.E. 94] – all issues related to A. Mirman in this case are now resolved.

Respectfully submitted,

October 6, 2017

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on October 6, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing documents is being served this day on all counsel of record 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 or parties who are not authorized to receive electronic Notices of Electronic Filing.

s/ James M. Carlson

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