

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

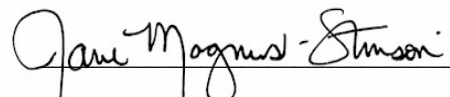
UNITED STATES SECURITIES AND EXCHANGE)	
COMMISSION,)	
<i>Plaintiff,</i>)	
)	1:00-cv-1265-JMS-TAB
<i>vs.</i>)	
)	
KENNETH R. PAYNE, <i>et al.</i> ,)	
<i>Defendants.</i>)	

ORDER ON MOTION TO DISMISS CERTAIN PRAYERS FOR RELIEF

Presently pending before the Court is the United States Securities and Exchange Commission’s (“SEC”) Motion to Dismiss Prayers for Disgorgement, Prejudgment Interest, and Civil Penalties against Certain Defendants. [Dkt. 60.] Through it, the SEC requests that this Court dismiss its prayers for disgorgement, prejudgment interest, and civil penalties against Defendants Kenneth R. Payne, Daniel G. Danker, Johann M. Smith, Heartland Financial Services, Inc., and JMS Investment Group, LLC because, in light of previous orders in the case, “there are no further claims asserted in the Complaint to be decided in this case.” [*Id.* at 2-4.]

The Court **GRANTS** the SEC’s motion and **DISMISSES** its prayers for disgorgement, prejudgment interest, and civil penalties against Defendants Kenneth R. Payne, Daniel G. Danker, Johann M. Smith, Heartland Financial Services, Inc., and JMS Investment Group, LLC. [Dkt. 60.]

05/23/2011



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution via Mail only:

Constance Brooks-Kiefer
3306 S. Ransdell Street
Indianapolis, IN 46227-1152

Daniel G. Danker
1910 NW Grove Ave.
Topeka, KS 66606

Kenneth R. Payne
Register # 06422-028
FCI Seagoville
P.O. Box 90-00
Seagoville, TX 75159

Distribution via ECF only:

William Bock III
KROGER GARDIS & REGAS
wb@kgrlaw.com

Daniel J. Hayes
U.S. SECURITIES AND EXCHANGE COMMISSION
hayesdj@sec.gov

Dexter B. Johnson
MALLON & JOHNSON PC
djohnson@mallonandjohnson.com

Paul A. Montoya
SECURITIES & EXCHANGE COMMISSION
montoyap@sec.gov

Fred D. Scott Jr.
attyfredscott@sbcglobal.net

Kara Michelle Washington
SECURITIES & EXCHANGE COMMISSION
washingtonk@sec.gov

Dennis E. Zahn
VOYLES ZAHN PAUL HOGAN & MERRIMAN
dzahn@vzphmlaw.com