

DAF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

GERSHON TANNENBAUM and  
JAY M. VERMONTY,

Defendants.

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: 99-CV-6050 (ARR)(JMA)

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:  
: NOT FOR ELECTRONIC  
: OR PRINT  
: PUBLICATION

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:  
: OPINION AND ORDER

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ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated June 21, 2007, from the Honorable Joan M. Azrack, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at \*6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at \*1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, the court hereby orders the following remedies as against defendants Gershon Tannenbaum and Jay M. Vermonty: (1) a permanent injunction barring them from further violations of Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b),

and Rule 10b-5, 17 C.F.R. § 240.10b-5, promulgated thereunder; (2) verified, sworn accountings by Tannenbaum and Vermonty; (3) disgorgement in the amount of \$95,026 from Tannenbaum and \$63,880 from Vermonty, plus prejudgment interest on these amounts as calculated by the Clerk of Court pursuant to the IRS underpayment rate, for the period from June 1, 1996 through the date of judgment; and (4) civil monetary penalties in the amount of \$100,000 from Tannenbaum and \$100,000 from Vermonty.

The Clerk of Court is instructed to enter judgment accordingly.

SO ORDERED.

s/ Judge Allyne R. Ross

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Allyne R. Ross  
United States District Judge

Dated: July 19, 2007  
Brooklyn, New York

SERVICE LIST:

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cc: Magistrate Judge Azrack