

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-cv-60082-DIMITROULEAS/SNOW

SECURITIES AND EXCHANGE COMMISSION)
)
Plaintiff,)
)
v.)
)
FREDERIC ELM f/k/a FREDERIC ELMALEH,)
<i>et al.</i>)
)
Defendants,)
and)
)
AMANDA ELM f/k/a AMANDA ELMALEH,)
)
Relief Defendant.)
_____)

FINAL JUDGMENT SETTING DISGORGEMENT
AS TO RELIEF DEFENDANT AMANDA ELM f/k/a AMANDA ELMALEH

The Securities and Exchange Commission having filed a Complaint, and Relief Defendant Amanda Elm f/k/a Amanda Elmaleh (“Elm”) having: entered a general appearance; consented to the Court’s jurisdiction over her and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in Paragraph III) (the “Final Consent”); previously consented to the Judgment as to Relief Defendant Amanda Elm f/k/a Amanda Elmaleh (“Injunction Judgment”), which the Court entered on March 25, 2015 [DE 55]; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment or the Injunction Judgment:

I.

DISGORGEMENT AND PREJUDGMENT INTEREST

IT IS ORDERED AND ADJUDGED that Elm is liable, jointly and severally with Defendant Frederic Elm f/k/a Frederic Elmaleh, for disgorgement in the amount of \$868,207, representing profits gained as a result of the conduct alleged in the Complaint, together with

prejudgment interest thereon in the amount of \$28,614.00 for a total of \$896,821. To date, Grisel Alonso, Esq., in her sole capacity as the Court-appointed receiver for Defendants Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, Elm Tree 'e'conomy Fund LP, and Elm Tree Motion Opportunity LP (collectively, the "Receivership Entities"), has recovered investor funds belonging to the Receivership Entities that were transferred to third parties and has recovered and liquidated assets on behalf of the Receivership Entities that were purchased with investor funds. The receiver's recovery has resulted in proceeds on behalf of the Receivership Entities that exceed the amounts of disgorgement and prejudgment interest due and owing by Elm hereunder. Accordingly, the Court deems the amounts of disgorgement and prejudgment interest due and owing by Elm satisfied upon entry of the Final Judgment. Elm relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to her.

II.

INCORPORATION OF CONSENT

IT IS FURTHER ORDERED AND ADJUDGED that the Final Consent filed herewith is incorporated with the same force and effect as if fully set forth herein, and that Elm shall comply with all of the undertakings and agreements set forth therein.

III.

BANKRUPTCY NONDISCHARGEABILITY

IT IS FURTHER ORDERED AND ADJUDGED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Elm, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Elm under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Elm of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

IV.

RETENTION OF JURISDICTION


IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

V.

RULE 54(b) CERTIFICATION

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

DONE AND ORDERED in Chambers in Fort Lauderdale, Florida, this 11th day of April, 2016.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies to:
Counsel of record