

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,	)
	)

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**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF ITS  
MONETARY CLAIMS AGAINST DEFENDANTS ELM TREE INVESTMENT  
ADVISORS, LLC, ELM TREE INVESTMENT FUND LP, ELM TREE ‘E’CONOMY  
FUND LP, AND ELM TREE MOTION OPPORTUNITY LP**

Plaintiff Securities and Exchange Commission hereby gives notice that pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, the Commission is dismissing with prejudice its monetary claims against 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 “Corporate Defendants”),<sup>1</sup> since they are under the control of the Court-appointed Receiver.<sup>2</sup> Accordingly, the Commission hereby dismisses with prejudice its claims for disgorgement, prejudgment interest thereon, and civil penalties against the Corporate Defendants.

Dated: April 13, 2016

Respectfully submitted,

By: /s/ Patrick R. Costello  
Patrick R. Costello  
Assistant Chief Litigation Counsel  
Florida Bar No. 75034

<sup>1</sup> The Corporate Defendants have not answered the Commission’s Complaint nor have they served a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A).

<sup>2</sup> Previously, the Court entered a Judgment of Permanent Injunction and Other Relief against the Corporate Defendants, which left for future resolution the amount these parties should pay to resolve the Commission’s monetary claims. [DE 137].

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**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on April 13, 2016, the foregoing document was filed electronically with the Clerk of Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record identified on the Service List below via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Patrick R. Costello

Patrick R. Costello

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