

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

HOWARD BRETT BERGER,

Defendant,

MICHELLE BERGER,

Relief Defendant.

12-CV-4728
(LDW-ARL)

ECF CASE

ORDER FOR DISTRIBUTION OF FAIR FUND

The Court, having reviewed the Plaintiff Securities and Exchange Commission's ("Commission") Notice of Motion, Motion and Memorandum in Support of Order for Distribution of Fair Fund, the Affidavit of Peter S. Davis in support of the Motion, and for good cause shown.

IT IS HEREBY ORDERED:

1. The Clerk of the Court is directed to issue a check to the Distribution Agent, Simon Consulting, LLC, (hereafter "Distribution Agent") from the CRIS account number 12-cv-4728, under the case name designation "*SEC v. Howard Brett Berger, et al.*" for all of the funds in the CRIS accounts representing the Fair Fund, totaling approximately \$5,367,140.21, minus court registry fees; and
2. The Distribution Agent shall:

