

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 02-80766-CIV-HURLEY/HOPKINS

**SECURITIES & EXCHANGE COMMISSION,
plaintiff,**

vs

**JEFFREY R. SENGER; BRAD M. NIRENBERG, and
NORMAN F. PIATTI,
defendant**

**ORDER ADOPTING MAGISTRATE JUDGE 'S REPORT & RECOMMENDATION
ON PLAINTIFF'S MOTION RE: DISGORGEMENT AND CIVIL PENALTIES AS
TO DEFENDANTS NIRENBERG AND SENGER**

THIS CAUSE is before the court upon the plaintiff's motion for entry of final judgment setting disgorgement and civil penalties against defendant Brad Nirenberg [DE# 48-1] and motion to dismiss disgorgement and penalty claims against defendant Jeffrey R. Senger [DE# 48-2], which which was referred to Magistrate Judge James Hopkins for a recommended disposition. On September 21, 2006, Magistrate Judge Hopkins filed his Report and Recommendation upon the motions [DE# 64] , to which neither side has filed any objection.

Having carefully reviewed the Magistrate Judge's Report and Recommendation, the court finds the resolution of the issues as recommended by Magistrate Judge Hopkins to be sound and accordingly shall adopt the recommended disposition of the motion.

It is therefore **ORDERED** and **ADJUDGED** as follows:

1. Magistrate Judge Hopkins' September 21, 2006 Report & Recommendation [DE# 64] is hereby **ADOPTED** and **INCORPORATED** in full.

2. The plaintiff's motion for entry of judgment setting disgorgement and civil penalties as to defendant Brad Nirenberg [DE# 48-1] is **GRANTED** as previously reflected in the consent final judgment previously entered by the court on August 28, 2006 as to this defendant [DE# 63].
3. The plaintiff's motion to dismiss the disgorgement and civil penalty claims against defendant Senger [DE# 48-2] is **GRANTED**, and the disgorgement and civil penalty claims as against this defendant are hereby **DISMISSED**.
4. The defendant Nirenberg's motion to continue evidentiary hearing on disgorgement filed August 4, 2006 [DE# 60] is **DENIED as MOOT**.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 19th day of
October, 2006.



Daniel T. K. Hurley
United States District Judge

cc.
Magistrate Judge James Hopkins
all parties