

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

V.

ROBERT QUATTRONE, et al.,

Defendants.

Civ. No. 3:04-cv-00033-SRC-TJB

NOTICE OF INTENT NOT TO PURSUE DISGORGEMENT AND CIVIL PENALTIES

Plaintiff Securities and Exchange Commission (“Commission”) gives this Notice to inform the Court and the defendants that it does not intend to pursue its claims for disgorgement and civil penalties against the defendants in this action.

On January 9, 2009, this Court entered Judgments of Permanent Injunction as to defendants Robert Quattrone (“Quattrone”), George Vieira (“Vieira”), Arthur Christensen (“Christensen”), Lawrence Fransen (“Fransen”), John Van Sickell (“Van Sickell”), Battaglia & Co., Inc. (“Battaglia”), West Coast Commodities, Inc. (“WCC”), LNN Enterprises, Inc. (“LNN”), California Milk Market (“CMM”), and Packing Products, Inc. (“Packing Products”). Each judgment permanently enjoined the defendant from committing further violations of the federal securities laws. Moreover, each judgment explicitly reserved the Commission’s right to potentially move at a later date to seek the Court’s determination of the amount of disgorgement and civil money penalties to be assessed against the defendants for their violations of the federal securities laws.¹

This case arises out of a financial fraud at Suprema Specialties, Inc., a cheese

¹ See Order for Permanent Injunction (LNN) Section V (Docket No. 3); Order for Permanent Injunction (CMM) Section V (Docket No. 5); Order for Permanent Injunction (Vieira), Section VII (Docket No. 8); Order for Permanent Injunction (Christensen), Section VIII (Docket No. 10); Order for Permanent Injunction (Quattrone), Section VI (Docket No. 12); Order for Permanent Injunction (Van Sickell), Section VIII (Docket No. 14); Order for Permanent Injunction (Fransen), Section VI (Docket No. 15); Order for Permanent Injunction (Battaglia), Section V (Docket No. 17); Order for Permanent Injunction (WCC), Section V (Docket No. 19); and Order for Permanent Injunction (Packing Products), Section V (Docket 21).

manufacturer and distributor formerly headquartered in Patterson, New Jersey. The individual defendants in this case were participants in that financial fraud. Each of the individual defendants in this case entered a guilty plea to federal criminal charges related to their conduct in the Suprema Specialties financial fraud. Each has now been sentenced (with the exception of defendant Van Sickell, who died prior to sentencing), and, as part of their criminal sentences, each has been ordered to pay substantial restitution to the victims of their unlawful conduct.² The entity defendants in this proceeding (LNN, CMM, Battaglia, WCC, and Packing Products) were privately held companies owned by certain individual defendants used in the course of the financial fraud.

In light of the criminal sanctions and restitution orders previously imposed on the individual defendants, and in light of the passing of defendant Van Sickell, the Commission hereby states that it does not intend to pursue the remedies of disgorgement and civil penalties against defendants Quattrone, Christensen, Van Sickell, Fransen, Vieira, LNN, CMM, Battaglia, WCC and Packing Products.

Dated: June 4, 2009

Respectfully submitted,

s/ Arthur S. Lowry

Arthur S. Lowry

Stephen G. Yoder

Attorneys for Plaintiff

Securities and Exchange Commission

² On June 4, 2008, Fransen was sentenced to four months imprisonment and restitution of \$5,611,092.75 (*U.S. v. Fransen*, 04-CR-00010); on July 10, 2008, Vieira was sentenced to four months imprisonment and restitution in the amount of \$6,648,050.35 (*U.S. v. Vieira*, No. 04-CR-00011); on July 11, 2008, Quattrone was sentenced to 4 months imprisonment and restitution in the amount of \$23,803,937.65 (*U.S. v. Quattrone*, No. 04-CR-00013); and on July 14, 2008, Christensen was sentenced to three years probation and restitution in the amount of \$115,217,510.44 (*U.S. v. Christensen*, 07-CR-00032). Van Sickell died on June 9, 2008 prior to his sentencing. *U.S. v. Van Sickell*, No. 04-CR-00012.