

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 13-23115-CIV-MARTINEZ-GOODMAN**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

BERNARD H. BUTTS, JR., *et al.*,  
Defendants,

**ORDER DISMISSING SEC'S CLAIMS FOR DISGORGEMENT AND CIVIL  
PENALTIES AGAINST SIDNEY BANNER**

THIS CAUSE came before the Court upon Plaintiff Securities and Exchange's ("SEC's") unopposed Motion to Dismiss Claims for Disgorgement and Civil Penalties as to Sidney Banner, pursuant to Fed.R.Civ.P. 41(a)(2) [ECF No. 213]. As grounds for this request, the SEC represents that a judgment was previously entered against Mr. Banner on April 2, 2015, enjoining him from violating certain provisions of the federal securities laws. The order provided that the issue of disgorgement and civil penalties would be resolved upon a motion to be made by the SEC. The SEC represents that during the course of the parties' settlement discussions, Mr. Banner died. Accordingly, the Court finds there is good cause to dismiss the SEC's claims for disgorgement and civil penalties. Therefore, it is hereby

**ORDERED AND ADJUDGED** that the SEC's unopposed Motion to Dismiss Claims for Disgorgement and Civil Penalties as to Sidney Banner [ECF No. 213] is **GRANTED**. The Clerk of the Court is directed, pursuant to Fed. R. Civ. P. 54(b), to enter a final judgment against Mr. Banner, as there is no just reason for delay.

DONE AND ORDERED in Chambers at Miami, Florida, this 24 day of October, 2016.

  
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JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies to:  
Magistrate Jonathan Goodman; All Counsel of Record