UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION,) CASE NO. 00-06618-) CIV-HIGHSMITH
Plaintiff,)
v.	NIGHT BOX
FREDERICK C. BRANDAU, RAPHAEL "RAY" LEVY, and JEFFREY PAINE,	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Defendants.	CLARCHUE MADDOX CLERK LODD/CUTL/MM

NOTICE OF FILING VOLUNTARY DISMISSAL WITH PREJUDICE OF PLAINTIFF'S REMAINING CLAIMS FOR DISGORGEMENT AND CIVIL PENALTIES AGAINST DEFENDANTS RAPHAEL "RAY" LEVY AND FREDERICK C. BRANDAU

PLEASE TAKE NOTICE that, pursuant to Rule 41(a), Fed. R. Civ. P., Plaintiff Securities and Exchange Commission ("Commission") hereby files this Notice of Voluntary Dismissal With Prejudice ("Notice") as to the outstanding claims against Defendants Raphael "Ray" Levy ("Levy") and Frederick C. Brandau ("Brandau").

In light of the fact that Levy has been ordered to pay restitution in the amount of \$117,000,000 in the criminal matter styled *United States v. Levy*, Case No. 9:99CR08125-04, and Brandau has been ordered to pay restitution in the amount of \$117,000,000 in the criminal matter styled *United States v. Brandau*, Case No. 9:99CR08125-01, the SEC will voluntarily dismiss its claims for disgorgement and civil penalties against Levy and Brandau.



Nothing in this Notice should be construed as indicating that the SEC was not entitled to pursue its claims for disgorgement and civil penalties notwithstanding the restitution orders described above.

May 30, 2002

Respectfully submitted,

Teresa J. Verges

By:

Regional Trial Counsel Florida Bar no. 997651

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by

U.S. Mail this <u>30th</u> day of May 2002 on the following:

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Teresa J. Verge