

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:15-cv-80446-JIC-COHN

SECURITIES AND EXCHANGE COMMISSION,)
)
Plaintiff,)
v.)
)
ECAREER HOLDINGS, INC., ECAREER, INC.,)
JOSEPH J. AZZATA, DEAN A. ESPOSITO,)
JOSEPH DEVITO, and FREDERICK J. BIRKS,)
)
Defendants,)
)
VIPER ASSET MANAGEMENT, LLC,)
ESPO CONSULTING, LLC,)
DJC CONSULTING, LLC,)
J & D MARKETING, LLC,)
GRYPHON ASSET MANAGEMENT, LLC, and)
CARLA AZZATA,)
Relief Defendants)
_____)

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF ITS
MONETARY CLAIMS AGAINST DEFENDANTS ECAREER HOLDINGS, INC. AND
ECAREER, INC.**

Plaintiff Securities and Exchange Commission hereby gives notice that pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, the Commission is dismissing with prejudice its monetary claims against Defendants eCareer Holdings, Inc. ("eCareer Holdings") and eCareer, Inc. ("eCareer"),¹ since they are under the control of the Court appointed Receiver.² Accordingly, the Commission hereby dismisses with prejudice its claims for disgorgement, prejudgment interest thereon, and civil penalties against eCareer Holdings and eCareer.

¹ Neither eCareer Holdings nor eCareer answered the Commission's Complaint.

² Previously, the Court entered a Permanent Injunction and Other Relief Against Defendants eCareer Holdings and eCareer, which left for future resolution the amount these parties should pay to resolve the Commission's monetary claims. [See DE 85 & 89].

Dated: February 29, 2016

Respectfully submitted,

By: s/: Christopher E. Martin
Christopher E. Martin
Senior Trial Counsel
SD Fla. Bar. No. A5500747
Direct Dial: (305) 982-6386
E-mail: martinc@sec.gov

Linda Schmidt
Senior Counsel
Florida Bar No. 0156337
Direct Dial: (305) 982-6315
E-mail: schmidtls@sec.gov

Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
Telephone: (305) 982-6300
Facsimile: (305) 536-4154

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2016, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I also certify that on February 29, 2016, the foregoing document and the notice of electronic filing was served via CM/ECF or mailed to the following non-CM/ECF participants:

Mark C. Perry, Esq.
Law Offices of Mark C. Perry, P.A.
2400 East Commercial Blvd., Suite 5111
Fort Lauderdale, FL 33308
Tel. (954) 351-2601
Fax (954) 351-2605
Email: mark@markperrylaw.com
Counsel for Joseph Azzata
Service by CM/ECF

Arthur C. Koski, Esq.
Law Offices of Arthur C. Koski, P.A.
101 N. Federal Highway, Ste. 602
Boca Raton, FL 33432
*Counsel for Dean Esposito, Joseph DeVito,
J & D Marketing LLC, Viper Asset Management LLC,
ESPO Consulting LLC, and DJC Consulting LLC
Service by CM/ECF*

James D. Sallah, Esq.
Sallah Astarita & Cox, LLC
One Boca Place
2255 Glades Road, Suite 300E
Boca Raton, FL 33434
*Counsel for Carla Azzata
Service by CM/ECF*

Frederick Birks, *pro se*
3685 Cassia Drive
Orlando, FL 32828
Service by U.S. Mail

Gryphon Asset Management, LLC
c/o Frederick Birks
3685 Cassia Drive
Orlando, FL 32828
Service by U.S. Mail

David Levine, Esq.
Levine Kellogg Lehman Scheider & Grossman LLP
201 South Biscayne Blvd., 22nd Floor, Miami Center
Miami, FL 33131
*Receiver for eCareer, Inc. and eCareer Holdings, Inc.
Service by CM/ECF*

s/ Christopher E. Martin
Christopher E. Martin, Esq.