

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-80446-CIV-COHN/SELTZER

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.

**ORDER GRANTING RECEIVER'S UNOPPOSED MOTION FOR MODIFICATION TO
PROCEDURE FOR SALE OF ASSETS HELD BY DEFENDANT FREDERICK J.
BIRKS AND RELIEF DEFENDANT GRYPHON ASSET MANAGEMENT, LLC**

THIS CAUSE is before the Court upon the Receiver's Unopposed Motion for Modification to Procedure for Sale of Assets Held by Defendant Frederick J. Birks ("Birks") and Relief Defendant Gryphon Asset Management, LLC ("Gryphon") [DE 135] ("Motion"). The Court has reviewed the Motion and the record in this case, and is otherwise advised in the premises. It is accordingly

ORDERED AND ADJUDGED that:

1. The Receiver's Unopposed Motion for Modification to Procedure for Sale of Assets Held by Defendant Frederick J. Birks and Relief Defendant Gryphon Asset Management, LLC [DE 135] is **GRANTED**.

2. The Receiver is relieved from the Court's previous Order to pay Birks or Gryphon \$10,000 of the sale proceeds generated from the liquidation of the OptionsHouse Account (acct. # xxxxx1031) because they are no longer entitled to those proceeds. See DE 132.

3. OptionsHouse shall liquidate the OptionsHouse Account (acct. # xxxxx1031) and issue a check to the Receiver in the resulting amount of the sale proceeds, less OptionsHouse's standard transaction fee(s). OptionsHouse shall deliver this check to the attention of the Receiver's counsel at the following address: Attn. Matthew J. McGuane, Esq., Levine Kellogg Lehman Schneider + Grossman LLP, 201. South Biscayne Blvd., 22nd Floor, Miami, Florida 33131.

4. The Receiver shall deposit the above-referenced check from OptionsHouse into a segregated account to be held until further Order of this Court.

5. The Receiver shall continue to hold the 55,000 shares of Continental Rail Corp. (ticker symbol CRCX) and 30,000 shares of Train Travel Holdings Inc. (ticker symbol TTXX) in the event the Receiver is able to locate a broker that is willing to sell these shares. If the Receiver is not able to locate any such broker, the Receiver shall file an appropriate motion to inform the Court of same.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 30th day of March, 2016.


JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF
Frederick J. Birks (*pro se*)