

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

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 ENTRY OF ORDER AUTHORIZING FIRST
AND FINAL DISTRIBUTION, APPROVING RECEIVER'S RECOMMENDED
TREATMENT OF CLAIMS, AND PROVIDING OTHER MISCELLANEOUS RELIEF**

THIS MATTER is before the Court upon the Receiver's Unopposed Motion for Entry of Order Authorizing First and Final Distribution, Approving Receiver's Recommended Treatment of Claims, and Providing Other Miscellaneous Relief (the "Motion") [DE 169.] The Court has reviewed the Motion, the record in this case, and is otherwise fully advised in the premises. It is thereupon **ORDERED AND ADJUDGED** as follows:

1. The Motion [DE 169] is **GRANTED**.
2. The Court approves the Receiver's recommended treatment and disposition of all claims as reflected on the Claim Matrix attached as Exhibit A to the Motion [DE 169].
3. The Court authorizes the Receiver to distribute \$250,000 to the claimants in accordance with the distribution procedures set forth in the Motion, and to reissue any distribution checks to the claimants as may be necessary and appropriate.
4. The Court authorizes the Receiver to transfer the funds generated from the sale of Relief Defendant Gryphon Asset Management, LLC's securities into the receivership's general account so that such funds may be distributed to the claimants and/or used as otherwise authorized by this Court.
5. The Court deems the share certificates provided by Defendant Frederick J. Birks and Relief Defendant Gryphon Asset Management, LLC as non-saleable and worthless for disgorgement and restitution purposes, relieves the Receiver of the requirement to sell the share certificates, and authorizes the Receiver to discard the share certificates.
6. The Receiver is authorized to transfer all unclaimed and forfeited funds to the Securities and Exchange Commission for remittance to the United States Treasury. The Receiver may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. The Receiver may also pay by certified

check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court. The Receiver shall simultaneously transmit photocopies of evidence of payment and case identifying information to Christopher E. Martin, Senior Trial Counsel, 801 Brickell, Suite 1800, Miami, FL 33131. The Commission shall send any funds received from the Receiver to the United States Treasury.

DONE AND ORDERED in Chambers at Fort Lauderdale Broward County, Florida, this 18th day of June, 2018.



JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF
Pro se parties at addresses on file