

Defendant Trevor G. Cook in Court Appointed Receivership funds from May 2007 through July 2009.

2. In accordance with this Court's June 16, 2010 Order (Docket #341), to satisfy the balance of the outstanding Receivership funds owed to the Receiver, the Bergs deposited \$208,697.98 into the Court Registry to be disbursed to the Receiver upon settlement or dismissal of the SEC's claims against the Bergs in this action. Upon entry of this Notice and Order of Dismissal, the Clerk of Court shall disburse \$208,697.98 to the Receiver, R.J. Zayed, c/o Carlson, Caspers, Vandenburg & Lindquist, 225 South Sixth Street, Suite 3200, Minneapolis, MN 55402.

3. Relief Defendant Bergs no longer have any outstanding financial obligation to the Receivership estate.

WHEREFORE, the Commission respectfully requests that the Court enter an order dismissing all of the Commission's claims against the Bergs with prejudice and each party is to bear its own costs.

SO ORDERED:

Date: September 16, 2010



Michael J. Davis
Chief Judge
United States District Court

Dated: September 16, 2010

Respectfully submitted,

/s/ Adolph J. Dean, Jr.

Adolph J. Dean, Jr.

John Birkenheier

Steven Klawans

Attorneys for Plaintiff

U.S. SECURITIES AND

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused the foregoing to be served upon all counsel of record by email.

/s/ Adolph J. Dean, Jr.

Adolph J. Dean, Jr.

Attorney for Plaintiff

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