



2. On April 6, 2010, the Court Receiver took possession of \$726,650.38 in Receivership funds located in the Bergs' bank accounts. The Bergs' have now returned the remaining \$222,197.98 in Receivership funds to the Receiver. All of these funds have been deposited with the Clerk of the Court for the District of Minnesota in the Court Registry Account. On June 16, 2010, this Honorable Court Ordered that the Clerk of the Court shall disburse to the Receiver all of the \$948,848.36 deposited in the Court Registry funds upon settlement or dismissal of the SEC's claims against the Bergs' in SEC v. Cook et al., 09-cv-3333 (D. Minn.). (Docket #341)

3. Relief Defendants 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 10, 2010

s/Michael J. Davis  
Michael J. Davis  
Chief Judge  
United States District Court

Dated: September 7, 2010

Respectfully submitted,

/s/ Adolph J. Dean, Jr.  
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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.  
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