



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

SPYRIDON ADONDAKIS, ANTHONY CHIASSON,
SANDEEP GOYAL, JON HORVATH, DANNY KUO,
TODD NEWMAN, JESSE TORTORA, DIAMONDBACK
CAPITAL MANAGEMENT, LLC, and LEVEL GLOBAL
INVESTORS, L.P.,

Defendants.

12-civ-0409 (SAS)

ECF CASE

PROPOSED ORDER AND JUDGMENT

This Court having entered a Final Judgment as to the Defendant Level Global Investors, L.P. on May 31, 2013 (the "Final Judgment"); and Defendant Level Global Investors, L.P. (the "Defendant") having paid \$21,514,275.63 (the "Sum") to the Securities and Exchange Commission pursuant to the Final Judgment; and Defendant having moved (i) for an Order pursuant to Rule 60(b) of the Federal Rules of Civil Procedure vacating the Final Judgment and directing the return of the Sum, and (ii) for an Order pursuant to Rule 54(b) of the Federal Rules of Civil Procedure and dismissing this action as to Defendant; and the Securities and Exchange Commission having informed this Court that it does not oppose the grant of the motion or the entry of this Order and Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Final Judgment entered on May 31, 2013 is vacated.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Securities and Exchange Commission shall transmit the sum of \$21,514,275.63 to the Defendant, pursuant to banking information provided by the Defendant, within thirty days after the entry of this Order and Judgment or promptly thereafter if additional time is required by the Securities and Exchange Commission.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this action be dismissed as to Defendant Level Global Investors, L.P.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purpose of enforcing the terms of this Order and Judgment.

V.

Pursuant to Rule 54(b) and Rule 60 of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Order and Judgment forthwith and without further notice.

Dated:

Jan. 26, 2016


UNITED STATES DISTRICT JUDGE