

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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SECURITIES AND EXCHANGE  
COMMISSION,

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/24/10

**ORDER**

Plaintiff,

07 Civ. 9606 (NRB)

- v -

OLEKSANDR DOROZHKO,

Defendant.

-----X  
**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

**WHEREAS** this action was commenced on October 29, 2007;  
and

**WHEREAS** on January 7, 2008 this court denied  
plaintiff's motion for a preliminary injunction and  
defendant's motion to dismiss and the action was then stayed  
pending appeal; and

**WHEREAS** the Second Circuit vacated the denial of the  
motion for a preliminary injunction and remanded the case  
for proceedings consistent with the Circuit's July 22, 2009  
opinion; and

**WHEREAS** the Securities and Exchange Commission ("SEC")  
moved for summary judgment on February 1, 2010; and

**WHEREAS** defendant's attorney has affirmed in a submission dated March 11, 2010 that despite all reasonable efforts to communicate with the defendant, he has received no communication from his client and has accordingly submitted no opposition; and

**WHEREAS** the motion is properly made and supported as required under Fed.R.Civ.P. 56, see Vermont Teddy Bear Co., Inc. v. 1-800 Beargram Co., 373 F.3d 241, 244 (2d Cir. 2004); Amaker v. Foley, 274 F.3d 677, 681 (2d Cir. 2001), by the evidentiary record established at the initial preliminary injunction hearing of November 28, 2007, as well as by affidavits submitted in support of the motion; it is hereby

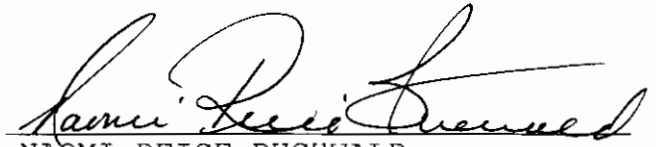
**ORDERED** that summary judgment be granted to the plaintiff; and it is further

**ORDERED** that defendant is permanently enjoined from violating Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5; and it is further

**ORDERED** that defendant shall fully disgorge his gains from his conduct at issue here, including \$286,456.59 in net profits from his trades in IMS Health put options and \$6,930.94 in prejudgment interest paid to his account at Interactive Brokers; and it is further

**ORDERED** that defendant shall also pay \$286,456.59 as a civil penalty.

Dated: New York, New York  
March 23, 2010

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date to the following:

**Attorney for Plaintiff**

Carl A. Tibbetts, Esq.  
Paul A. Gumagay, Esq.  
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