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DOC #:
DATE FILED: 8/15/08

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UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK

U.S. SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff	:	ECF CASE
	:	1:04-cv-02322 (GEL)
v.	:	
	:	
UNIVERSAL EXPRESS, INC., et al.,	:	
	:	
Defendants.	:	

ORDER FREEZING ASSETS OF DEFENDANT RICHARD A. ALTOMARE

On July 22, 2008, the Court conducted a hearing regarding the status of the incarceration of defendant Richard Altomare for contempt for his failure to comply with the Court's order directing him to pay disgorgement and pre-judgment interest. On July 22, 2008, Mr. Altomare, through counsel, pledged the entire contents, except attached fixtures, of his Toscano condominium located at 3720 South Ocean Boulevard, Apartments 1606/07, Highland Beach, Florida 33487-3385 toward satisfaction of the judgment entered against him. The SEC requested the Court impose an asset freeze restraining Mr. Altomare from alienating any of his remaining assets wherever located, including the furnishings located at his condominium located at 3720 South Ocean Boulevard, Apartments 1606/07, Highland Beach, Florida 33487-3385 owned under a tenancy-by-the-entirety together with his wife pursuant to Florida law. Through his counsel, Mr. Altomare consented to the requested asset freeze. Mr. Altomare has notified the Court that the condominium is currently in foreclosure proceedings.

Accordingly, it is here ORDERED that:

A. Defendant Richard A. Altomare, his affiliates, agents, servants, employees, attorneys, and those persons in active concert or participation with him who receive actual notice of this order by personal service or otherwise, and each of them, are ordered to hold and retain


within their control and otherwise prevent any disposition, transfer, pledge, voluntary encumbrance, assignment, dissipation, concealment, or other disposal whatsoever of any of Altomare's funds or other assets or things of value presently held by them, or under their control, or over which they exercise actual or apparent investment or other authority, in whatever form such assets may presently exist and wherever located; and

B. Any financial or brokerage institution or other person or entity located within the territorial jurisdiction of the United States courts and holding any funds or other assets in the name of, for the benefit of, or under the control of Richard A. Altomare, or in any account for which he or his affiliates, agents, servants, employees, attorneys, and those persons in active concert or participation with him, and each of them, are signatories, shall hold and retain within their control and prohibit the withdrawal, removal, transfer or other disposal of any such funds or other assets. It is

FURTHER ORDERED that this asset freeze order does not limit the state court action titled *Wells Fargo Bank, N.A. as Trustee on behalf of the Harborview 2006-12 Trust Fund v. Richard A. Altomare et al.*, case no. 50-2008 CA 020259 xxxx MB, filed with the Circuit Court of the 15th Judicial Circuit, in and for Palm Beach County, Florida, except to the extent that if there are any funds payable to Richard A. Altomare as a result of the foreclosure sale, then the parties are directed to pay those funds to the Clerk of Court for the United States District Court for the Southern District of New York for deposit into the registry of this Court in connection with this case.

SO ORDERED.

Dated: New York, New York
August 15, 2008


GERARD E. LYNCH
United States District Judge