

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-80804-CIV-COHN/SELTZER

PRUCO LIFE INSURANCE COMPANY,

Plaintiff,

v.

STEVEN M. BRASNER, individually and as
Principal of Infinity Financial Group, LLC;
MARK A. TARSHIS; INFINITY FINANCIAL
GROUP LLC; WELLS FARGO BANK, N.A.,
as Securities Intermediary; and John Does 1-10,

Defendants.

SECOND AMENDED FINAL JUDGMENT

THIS CAUSE is before the Court upon the parties' Joint Motion for Entry of Second Amended Final Judgment [DE 312] ("Joint Motion"). The Court has considered the Joint Motion, the record in this case, and is otherwise fully advised in the premises.

On September 21, 2012, the Court issued an Order Granting Wells Fargo Bank, N.A.'s Rule 60(b) Motion [DE 287], which vacated the Court's November 14, 2011 summary judgment order [DE 246] and the January 23, 2012 Amended Final Judgment [DE 256] *only* as to which party is entitled to the premiums paid on the Berger Policy in 2009 and 2010. See DE 287 at 10. On April 10, 2012, the parties submitted a Notice of Mediated Settlement of Premiums [DE 311], indicating that they have since reached a mediated settlement as to these premiums. See DE 311 at 2. In the instant Joint Motion, the parties ask the Court to enter a Second Amended Final Judgment reflecting the fact that they have reached a settlement on that issue, which was the sole


outstanding issue before the Court. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Joint Motion for Entry of Second Amended Final Judgment [DE 312] is **GRANTED**.
2. As previously set forth in the Amended Final Judgment [DE 256], dated January 23, 2012, Judgment is entered in favor of Plaintiff Pruco Life Insurance Company and against Wells Fargo Bank, N.A. on Count I of the Complaint [DE 1] and on the Counterclaim [DE 73]. The Court hereby declares that the Berger Policy, number V1208044, issued by Plaintiff Pruco Life Insurance Company on the life of Arlene Berger, is void *ab initio*.
3. The Clerk of Court is directed to release to Wells Fargo Bank, N.A. the funds held in the Court's Registry along with any accrued interest.
4. All claims before the Court have now been adjudicated and/or resolved.
5. The Clerk of Court is directed to **CLOSE** this case and **DENY** any pending motions as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County,

Florida, on this 11th day of April, 2013.


JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF.