

**04-474      GOTTLIEB V. SEC**

QUESTIONS PRESENTED

1. Whether the SEC properly calculated damages pursuant to Section 20(d) of the Securities Act of 1933, 15 U.S.C. § 77t(d) and 15 U.S.C. § 78u(d)(3)(B)(i) amounting to punitive damages because all funds had been previously disgorged.
2. Whether the complaint should be dismissed with prejudice because the lower court abused its discretion enlarging plaintiff's time to serve appellant under FRCP 4(m); thereafter authorizing plaintiff to serve appellant internationally under FRCP 4(f) without imposing any time limit; failing to dismiss the case after plaintiff did not serve appellant until more than 22 months after the statute of limitations had expired; and denying appellant's pretrial request for discovery with respect to plaintiff's failure to exercise due diligence in service.