

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

SANTANDER BANK, N.A.

v.

MARK GAVER, ET AL.

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Civil No. – JFM-17-374

MEMORANDUM

There are three pending motions in this case: plaintiff's motion to amend the preliminary injunction order, defendant Mark Gaver's motion to amend the preliminary injunction order, and defendant's motion to dismiss plaintiff's amended complaint.

Plaintiff's motion to amend the preliminary injunction order (document 44) is granted. I am persuaded that Donna Gaver exercised control over money and property owned by Mr. Gaver and his companies and that an appropriate order should be entered in the marital estate in the Florida proceeding. Plaintiff has established that the constructive trust should be imposed on monies and other assets traceable to Mr. Gaver's alleged fraud.

Defendant Mark Gaver's motion to amend the preliminary injunction order (document 46) is denied. The proposed order is improper in that it seeks to enjoin "any judicial officer in the situs where these monies are being held." I do not have the authority to enjoin state court judges.

Defendant Mark Gaver's motion to dismiss plaintiff's amended complaint (document 54) is denied. The complaint is "not a shotgun pleading," it was properly served upon Mr. Gaver, and Gaver West is not a necessary party to these proceedings.

A separate order granting the preliminary injunction order and denying defendant Mark Gaver's motion to amend the preliminary injunction order and his motion to dismiss are being entered herewith.

Date: September 28, 2017

J. Frederick Motz
J. Frederick Motz
United States District Judge

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