

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

Case No. 10-cv-11891

HON. GEORGE CARAM STEEH

MATTHEW J. GAGNON,

Defendant.

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION TO AMEND THE ORDER FREEZING ASSETS CONTAINED
WITHIN THE ORDER OF PRELIMINARY INJUNCTION (DOC. # 75)

This case was closed following the court's order and opinion granting summary judgment to the SEC on March 22, 2012. A judgment was entered the same date. That judgment provided for equitable relief in the form of disgorgement, prejudgment interest, and the imposition of civil penalties, but did not specifically retain jurisdiction over further proceedings.

Notwithstanding the court's entry of judgment, plaintiff Securities and Exchange Commission (SEC) has moved to amend an interlocutory order freezing assets, contained within the order of preliminary injunction entered in the case on August 8, 2010. The SEC specifically requests that the court amend the August 2010 order to allow for the foreclosure of a mortgage on a second home owned by defendant in Weslaco, Texas. Defendant has not responded to the motion. The court finds it unnecessary to amend the preliminary injunction in order to grant the relief sought by

plaintiff, especially inasmuch as the continued effect of the preliminary injunction itself is unclear.

Accordingly, the court construes this post-judgment motion as one to clarify whether its orders and judgment in this matter bar a foreclosure action by the Bank of America as to real estate owned by Gagnon, and finds that no bar to such foreclosure proceedings obtains.

Accordingly, the relief sought by plaintiff—i.e., the court’s determination that foreclosure is permitted on the above-cited mortgage—is GRANTED. The motion is DENIED, however, to the extent plaintiff seeks the post-judgment amendment of a court order.

IT IS SO ORDERED.

Dated: October 1, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 1, 2012, by electronic and/or ordinary mail and to Matthew John Gagnon, 5433 NW Skycrest Parkway, Portland, OR 97229.

s/Barbara Radke
Deputy Clerk