

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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RALPH T. KNAPP,

Civil No. 08-1284 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

MATTHEW P. VANDERGON, *et al.*,

Defendants.

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Paul Voge, **VOGE LAW OFFICE, PLLC**, 21 West Superior Street, Suite 500, Duluth, MN 55802; and Phillip Smith, **LAWFARM**, 4311 Normanna Road, Duluth, MN 55803, for plaintiff.

Eric Nasstrom, **MORRISON FENSKE & SUND**, 5125 County Road 101, Suite 102, Minnetonka, MN 55345, for defendants Argent Mortgage Company and Deutsche Bank National Trust Company.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated August 3, 2009 [Docket No. 100]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that: Defendant Argent Mortgage Company and Deutsche Bank National Trust Company's motion for summary judgment [#68] is **DENIED.**

DATED: August 20, 2009  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge