

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MICHAEL W. PERRY and A.
SCOTT KEYS,

Defendants.

Case No. CV-11-1309 R

**ORDER GRANTING
DEFENDANT MICHAEL W.
PERRY'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT ON PLAINTIFF'S
RISK WEIGHTING AND
SECTION 17(a)(2) CLAIMS**

Hearing Date: September 10, 2012
Time: 10:00 a.m.
Courtroom: No. 8
Judge: Honorable Manuel L. Real

1 Defendant Michael W. Perry's Motion for Partial Summary Judgment came
2 on regularly for hearing on September 10, 2012, in Courtroom 8 of the United
3 States District Court, Central District of California, located at 312 North Spring
4 Street, Los Angeles, CA 90012, the Honorable Manuel L. Real presiding.
5 Attorneys John Berry, Donald Searles, and Nicholas Chung appeared on behalf of
6 Plaintiff Securities and Exchange Commission. Attorney D. Jean Veta appeared
7 on behalf of Mr. Perry. The Court, having considered the oral argument of
8 counsel, all papers filed in connection with the motion, and all other matters
9 presented, hereby

10 ORDERS that, for the reasons stated at the September 10, 2012 hearing and
11 in the Uncontroverted Facts and Conclusions of Law entered in connection
12 therewith, summary judgment is GRANTED in favor of Mr. Perry on the
13 following claims asserted in this action:

- 14 1. Plaintiff's claim against Mr. Perry relating to the risk weighting
15 IndyMac Bancorp, Inc. ("Bancorp") used to calculate the capital ratios
16 of IndyMac Bank, F.S.B. as of March 31, 2008, and the disclosure
17 thereof in Bancorp's May 12, 2008 SEC filings; and
- 18 2. Plaintiff's claim against Mr. Perry under section 17(a)(2) of the
19 Securities Act, 15 U.S.C. § 77q(a)(2), as to all remaining issues in the
20 case.

21
22 IT IS SO ORDERED AND ADJUDGED.

23 DATED: Sept. 24, 2012



24 _____
25 The Honorable Manuel L. Real
26 United States District Court Judge