

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,**

v. Case No. **09-cv-3333 (MJD/FLN)**

**TREVOR G. COOK, et al.,
Defendants,**

**R.J. ZAYED,
Receiver.**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,**

v. Case No. **11-cv-574 (MJD/FLN)**

**JASON BO-ALAN BECKMAN, et al.,
Defendants,**

**R.J. ZAYED,
Receiver.**

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
MOTION FOR SUMMARY JUDGMENT
AGAINST DEFENDANTS KILEY AND BECKMAN**

Plaintiff United States Securities and Exchange Commission ("SEC") respectfully submits this motion pursuant to Fed. R. Civ. P. 56 and Local Rule 7.1, seeking: (1) summary judgment against Defendants Patrick J. Kiley and Jason Bo-Alan Beckman; (2) the entry of final judgments against Kiley and Beckman, imposing permanent

injunctions, disgorgement and prejudgment interest; and (3) dismissal of the SEC's prayers for civil penalties against Kiley and Beckman.

As is set forth more fully in the SEC's supporting memorandum and exhibits filed herewith, Kiley and Beckman have been convicted in a parallel criminal prosecution based on the same facts as those underlying the SEC's actions against them. *United States v. Beckman, et al.*, 11-cr-228. In that criminal case, Kiley and Beckman had a full and fair opportunity to contest the charges against them; judgments have been entered against Kiley and Beckman; and the jury necessarily found against Kiley and Beckman on the factual issues raised in the SEC's actions. As a result, in these companion SEC enforcement actions, there are no genuine issues as to material facts and the SEC is entitled to judgment as a matter of law.

WHEREFORE, the SEC requests that the Court grant it summary judgment and enter the requested final judgments.

Dated: March 17, 2015

Respectfully submitted,
s/John E. Birkenheier
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