

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE No. 06-81041-CIV-MIDDLEBROOKS/JOHNSON**

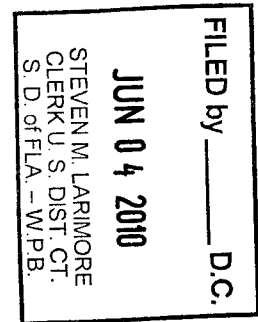
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JAMIE SOLOW,

Defendant,



**ORDER MODIFYING ORDER OF CIVIL CONTEMPT
AND DIRECTING RELEASE FROM INCARCERATION**

THIS CAUSE comes before the Court upon the responses filed pursuant to this Court's Order Requesting a Status Update. This Court held a telephonic hearing with counsel for Mr. Solow and for the SEC on Friday, June 4, 2010. I have reviewed the record and am advised in the premises.

Pursuant to the Order of Civil Contempt, Jamie Solow surrendered to the Bureau of Prisons on February 1, 2010, and has been incarcerated since that time. I have requested status reports from the parties as to the efforts to undo actions taken by Mr. Solow and his wife to protect their assets from the disgorgement Order and to repay the victims.

In his most recent report, Mr. Solow advises that he and his wife have a contract for sale for their Highland Beach property so that he can partially pay this obligation and that he wants to work to support his family and make payment to the SEC. He expresses remorse concerning his past actions and attitude, and pledges his best efforts to meet his obligations. While actions speak louder than words, Mr. Solow should have a chance to make good on this commitment.

The Order of Civil Contempt stated: "Mr. Solow shall remain incarcerated until such time that he has complied with the conditions" of the disgorgement Order. "Where the district court is engaged in an 'on-going intervention,' as evidenced by a contempt order that is 'subject to

modification or appeal” . . . a district court may ‘continu[e] . . . to prod [the contemnor] into compliance.’” *SEC v. Kirkland*, 533 F.3d 1323, 1325 (11th Cir. 2008), citing *Combs v. Ryan’s Coal Co.*, 785 F.2d 970, 977 (11th Cir. 1986). Further, “if . . . the contempt power has ceased to have a coercive effect, the civil contempt remedy should be ended.” *Commodity Futures Trading Commission v. Wellington Precious Metals, Inc.*, 950 F.2d 1525, 1530 (11th Cir. 1992), quoting *Simkin v. Unied States*, 715 F.2d 34, 37 (2d Cir. 1983).

While I accept Mr. Solow’s commitment to make his best efforts to meet his obligations under this Court’s May 14, 2008 Order, the Contempt Order remains in effect. Mr. Solow must demonstrate good faith in making all reasonable efforts to satisfy the disgorgement Order. This Court shall monitor those efforts, and if necessary, modify the Order of Civil Contempt.

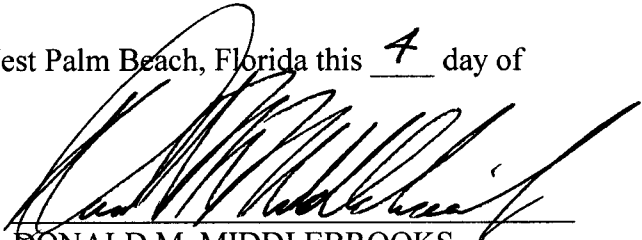
Accordingly, it is hereby

ORDERED AND ADJUDGED that the Order of Civil Contempt [DE 194] is MODIFIED as follows:

- (1) Mr. Solow shall be released from incarceration immediately;
- (2) The parties shall report to this Court the further efforts to resolve this matter within **30 days** from the date of issuance of this Order, and every **90 days** thereafter; and
- (3) Mr. Solow is also directed to participate in an interview with counsel for the SEC within 21 days upon his release from incarceration, and to appear for any future depositions as noticed by the SEC in this or related cases.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 4 day of June, 2010.

cc: counsel of record


DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE