IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID H. MARION, as Receiver for Bentley Financial Services, Inc.	:	CIVIL ACTION
v.	:	
S.D. GOLDFINE & COMPANY and SANFORD GOLDFINE	:	NO. 02-7076

MEMORANDUM AND ORDER

Fullam, Sr. J. May , 2004

On March 1, 2004, I entered an order granting in part, and denying in part, defendants' motion to dismiss the first amended complaint. Upon further consideration, and for the reasons stated in the Memorandum and Order filed this date in the companion case of David H. Marion v. TDI, Inc., et al., C.A. No. 02-7032, I conclude that plaintiff does indeed have standing to assert the claims in question and that the first amended complaint survives dismissal under Fed. R. Civ. P. 12(b)(6). It is therefore ordered:

1. This court's Order of March 1, 2004, is VACATED.

2. Defendants' motion to dismiss the first amended complaint is DENIED, without prejudice to defendants' right to file a properly supported motion for summary judgment, if warranted by the facts.

John P. Fullam, Sr. J.