

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 09-4233

**FILED*****May 25, 2011***

LEONARD GREEN, Clerk

HOWARD FRANK, Individually and on behalf of all others similarly situated,  
Plaintiffs,  
PLUMBERS & PIPEFITTERS NATIONAL PENSION FUND; SEIU PENSION  
PLANS MASTER TRUST; WEST VIRGINIA LABORERS PENSION TRUST FUND,  
Plaintiffs - Appellants,

v.

DANA CORPORATION,  
Defendant,  
MICHAEL J. BURNS; ROBERT C. RICHTER,  
Defendants - Appellees.

Before: MARTIN and STRANCH, Circuit Judges; THAPAR, District Judge.

**JUDGMENT**

On Appeal from the United States District Court  
for the Northern District of Ohio at Toledo.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's order granting dismissal to defendants Michael J. Burns and Robert C. Richter is REVERSED.

**ENTERED BY ORDER OF THE COURT**

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Leonard Green, Clerk