

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-10474-GAO

JAMES M. O'LEARY,
Plaintiff,

v.

LABOR MANAGEMENT FUND ADVISORS, INC., LABOR MANAGEMENT FUND
ADVISORS, LLC, SCOTT WOOSLEY, TIMOTHY L. NICHOLS, JEFFREY D. FOTTA, and
THOMAS F. LYNCH,
Defendants.

ORDER
March 19, 2012

O'TOOLE, D.J.

The plaintiff has stated in Count I a viable cause of action against LMFA, Inc. The plaintiff, furthermore, in Count II has sufficiently alleged facts to support a claim that LMFA, LLC is an alter ego of LMFA, Inc. The Court has supplemental jurisdiction over all remaining claims under 28 U.S.C. § 1367. Finally, the plaintiff has alleged facts sufficient to confer personal jurisdiction over the defendants. (See, e.g., Complaint ¶¶ 4-9, 84-109.) The motions to dismiss (dkt. nos. 8, 12 & 17) are DENIED.

Fotta and Lynch further argue that the claim against them under the Uniform Fraudulent Transfer Act must be dismissed on summary judgment because, they assert, they never received fraudulent transfers. That is a matter to be addressed not now but, if appropriate, after discovery. Their motion (dkt. no. 13) for summary judgment is DENIED WITHOUT PREJUDICE.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge