

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN HALLAL, individually, on behalf)
of himself and all other minority shareholders))
similarly situated and in the Right of and for)
the Benefit of Medical Solutions)
Management, Inc.)

Plaintiff,)

v.)

Civil Action No. 12-10166-NMG

VICIS CAPITAL MASTER FUND LTD,)
VICIS CAPITAL, LLC, CHRISTOPHER)
D. PHILLIPS, LOWELL FISHER, JR.,)
SHADRON STASTNEY, MDWERKS, INC.)
HOWARD KATZ, and GREG ROBERTS)

Defendants.,)

MEDICAL SOLUTIONS MANAGEMENT,)
INC.)

Nominal Defendant)

**REPORT AND RECOMMENDATION ON DEFENDANTS GREG ROBERTS,
SHADRON STASTNEY, VICIS CAPITAL MASTER FUND LTD., VICIS CAPITAL,
LLC, AND CHRISTOPHER PHILLIPS MOTIONS TO DISMISS THE VERIFIED
DERIVATIVE SHAREHOLDER AMENDED COMPLAINT**

(Docket Nos. 43, 45, 47)

February 25, 2013

Boal, M.J.

Plaintiff John Hallal ("Hallal") brings this shareholder derivative suit on behalf of himself and all other minority shareholders similarly situated, and also for the benefit of Medical Solutions Management, Inc. ("MSMI"), against Vicis Capital Master Fund Ltd., Vicis Capital,

After consideration of motion for reconsideration of defendant Phillips (Docket No. 73) and the objections of the Vicis defendants and the defendant Stastney (Docket No. 74) thereto, Report and Recommendation is accepted and adopted. JMGorton, USDJ 3/19/13