

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-12290-RGS

SITUATION MANAGEMENT SYSTEMS, INC.

v.

ALEXANDER MOORE, DANE HARWOOD  
AND ALON SHKLAREK

ORDER ON DEFENDANTS' MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION

May 29, 2013

STEARNS, D.J.

The motion to dismiss is ALLOWED. Judgment having entered, the court's jurisdiction over the attempt to enforce the judgment against non-parties to the original lawsuit is foreclosed by *Peacock v. Thomas*, 516 U.S. 349, 357 (1996) ("We have never authorized the exercise of ancillary jurisdiction in a subsequent lawsuit to impose an obligation to pay an existing federal judgment on a person not already liable for that judgment."). Plaintiff offers no principled basis in law or fact to distinguish a binding precedent of the Supreme Court of the United States.<sup>1</sup>

ORDER

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<sup>1</sup> *Peacock* involved a claim of veil-piercing virtually identical to the one being advanced by plaintiff in the instant Complaint.

For the foregoing reasons, defendants' motion to dismiss for want of subject matter jurisdiction is ALLOWED. The Clerk will enter an Order of Dismissal and close the case.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE