

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: HAVERHILL TECHNOLOGY GROUP,)	
)	Civil Action No. 09-40133-GAO
Debtor.)	
)	
REPUBLIC BANK, INC and TETRA FINANCIAL)	(Chapter 7 Case No. 03-43988-JBR
GROUP, L.L.C.,)	
Plaintiffs,)	
)	
v.)	
)	
DAVID M. NICKLESS, HAVERHILL)	Adv. Proc. No. 06-04197)
TECHNOLOGY GROUP, INC. and JOHN DOES,)	
I through V,)	
Defendants.)	
)	

ORDER
May 13, 2010

O'TOOLE, D.J.

In addressing Tetra Financial Group L.L.C.'s ("Tetra") negligence claim, the bankruptcy judge concluded that the claim was not amenable to summary judgment because whether conduct is negligent is a factual question. The bankruptcy judge did not expressly address the legal question of whether David M. Nickless owed a duty of ordinary care to Tetra under the Massachusetts common law of negligence.

The parties are invited to file briefs by May 19, 2010 addressing whether Count IV states a claim for negligence upon which relief can be granted.

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