

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

	)	
	)	
BANK OF AMERICA, N.A.,	)	
	)	
Plaintiff,	)	No. 4:14-CV-809-JAR
	)	
v.	)	
	)	
MAGRUDER CONSTRUCTION CO., INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Philip Gali’s pro se Motions to Oppose Withdrawal of Pleading (Doc. No. 158) and Atec’s Release (Doc. No. 159) and Atec Liquidations, Inc.’s Motion to Dismiss the Motion to Oppose Atec’s Release Filed by Philip Gali for lack of standing. (Doc. No. 160)

The Court previously granted Mr. Gali leave to intervene in this case as Trustee of the Employee Stock Ownership Trust. (Doc. No. 80) In its motion to dismiss, Atec states that as part of a global settlement leading to the refinancing of the Magruder Construction Company debt to Bank of America, Mr. Gali agreed to resign as a director of Magruder Construction Company and as trustee of the Employee Stock Ownership Trust. His resignation was accepted by unanimous written consent of the Board of Directors of Magruder Construction Company on December 30, 2014. (See Doc. No. 160-1) Because Mr. Gali is no longer the Trustee of the Employee Stock Ownership Trust, he lacks standing to assert his motions. Accordingly, Atec’s motion to dismiss will be granted and Mr. Gali’s motions denied for lack of standing.

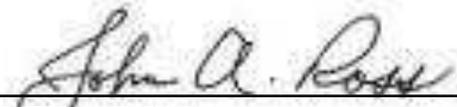
Even if Mr. Gali had standing, the Court would find that his motions, construed together as a motion for reconsideration, should be denied. Over the course of this litigation, the Court held numerous hearings with the parties, many of which Mr. Gali attended in person. After careful consideration of all of the actions taken herein, the Court finds no basis for reconsidering the rulings made.

Accordingly,

**IT IS HEREBY ORDERED THAT** Atec Liquidations, Inc.'s Motion to Dismiss the Motion to Oppose Atec's Release Filed by Philip Gali [160] is **GRANTED**.

**IT IS FURTHER ORDERED** that Philip Gali's pro se Motion to Oppose Withdrawal of Pleading [158] and Motion to Oppose Atec's Release [159] are **DENIED** for lack of standing.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mail a copy of this Order to Mr. Philip Gali.

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**JOHN A. ROSS**  
**UNITED STATES DISTRICT JUDGE**

Dated this 28<sup>th</sup> day of January, 2015.