

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AXION POWER INTERNATIONAL, INC., ET AL.,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 9/29/09
DATE FILED: 9/29/09

Plaintiffs,

- against -

MERCATUS & PARTNERS, LTD., ET AL.,

07 Civ. 11493 (RWS)

O R D E R

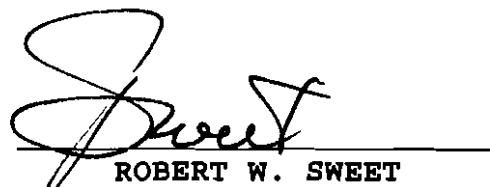
Defendants.

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Sweet, D.J.,

Defendant Banca MB S.p.A.'s Motion to Dismiss the Third Amended Complaint will be heard at noon on Wednesday, October 28, 2009, in courtroom 18C. All motion papers shall be served in accordance with Local Civil Rule 6.1.

It is so ordered.

New York, NY
September 29, 2009


ROBERT W. SWEET
U.S.D.J.