

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|---------------------|
| CHAWEZI MWANTEMBE, et al. | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| TD BANK, N.A., et al. | : | NO. 09-0135 |
| | : | |

ORDER

AND NOW, this 17th day of November, 2009, upon consideration of the Defendants' Motion to Dismiss Plaintiffs' First Amended Class Action Complaint (Document No. 8), the plaintiffs' response and after oral argument, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED as follows:

1. The motion is **GRANTED** as to counts IV and V;
2. Counts IV and V of the amended complaint are **DISMISSED**;
3. All allegations in the amended complaint pertaining to avoidance or violation of Pennsylvania's escheat law are **STRICKEN**; and
4. In all other respects, the motion is **DENIED**.

/s/ Timothy J. Savage

TIMOTHY J. SAVAGE, J.