

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

THE ESTATE OF H. FRED CLARK	:	CIVIL ACTION
by Karen Clark and Alan F.	:	
Markowitz, Esq., co-executors	:	
	:	
vs.	:	NO. 12-CV-6259
	:	
THE TORONTO DOMINION BANK,	:	
a/k/a TD BANK FINANCIAL GROUP	:	
<u>Et. Al.</u>	:	

ORDER

AND NOW, this 20th day of March, 2013, upon consideration of the Motion of TD Bank, N.A. to Dismiss Plaintiff's Amended Complaint for Failure to State a Claim (Doc. No. 34), it is hereby ORDERED that the Motion is GRANTED IN PART and DENIED IN PART and Plaintiff's claims based upon remotely created checks issued prior to October 29, 2009 as set forth in Count Two and Counts Four and Five of the Plaintiff's First Amended Complaint are DISMISSED WITH PREJUDICE. In all other respects, the Motion is DENIED.

BY THE COURT:

/s/ J. Curtis Joyner

J. CURTIS JOYNER, C.J.