

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

**HARVEY A. KALAN, M.D., INC.,  
HARVEY KALAN, DEBORAH KALAN,  
Plaintiffs,**

**v.**

**THE LINCOLN NATIONAL LIFE  
INSURANCE COMPANY and  
JEFFERSON-PILOT LIFE INSURANCE  
COMPANY,**

**Defendants.**

**CIVIL ACTION**

**NO. 14-5216**

**ORDER**

**AND NOW**, this 12th day of August, 2022, upon consideration of Plaintiffs' Motion for Partial Summary Judgment (ECF No. 128), Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion (ECF Nos. 132, 136), Plaintiffs' Brief in Opposition to Defendants' Motion and in Support of its Motion (ECF No. 137-39), Defendants' Reply Brief in Further Support of its Motion (ECF No. 142), and the Parties' Joint Appendix in support of their Motions (ECF No. 145), **IT IS HEREBY ORDERED** as follows:

1. Defendants' Motion is **GRANTED** as to: (1) Plaintiffs' ERISA Claims under 29 U.S.C. § 1132(a)(3); (2) Plaintiffs' RICO Claims under 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d), which claims are **HEREBY DISMISSED**.
2. The Parties' Motions are **DENIED** in all other respects.

**BY THE COURT:**

/s/Wendy Beetlestone, J.

---

**WENDY BEETLESTONE, J.**