

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

**HARVEY KALAN, M.D., THE HARVEY  
KALAN, M.D., INC. EMPLOYEE  
WELFARE BENEFIT PLAN, PAMELA K.  
ERDMAN, M.D., THE DE. PAMELA K.  
ERDMAN, M.D., INC. EMPLOYEE  
WELFARE BENEFIT PLAN, GRETCHEN  
CASTELLANO, DR. MARTIN ZENNI,  
DR. ELISSA ZENNI and THE M&E  
ZENNI INC., WELFARE BENEFIT PLAN,  
Plaintiffs,**

**CIVIL ACTION**

**NO. 15-1435**

**v.**

**FARMERS & MERCHANTS TRUST  
COMPANY OF CHAMBERSBURG,  
LAWRENCE KORESKO, KORESKO  
FINANCIAL, LLP, FREEDOM  
BROKERS, LLC, PENNMONT  
BENEFITS, INC., DEON DANIEL,  
LINCOLN NATIONAL CORPORATION,  
SAMUELS, YOELIN KANTOR, LLP,  
JEFFREY NIEMAN, LOCKE LORD  
BISELL & LIDDELL, LLP, ANDERSON  
KILL & OLICK, P.C., CHAPLIN &  
DRYSDALE, GATES HALBRUNER &  
HATCH, CHRISTIE PABARUE MORTEN  
& YOUNG, JEFFERSON GOVERNMENT  
RELATIONS, THEODORE HOBSON,  
BONNIE KORESKO and JOHN DOE  
COMPANIES 1-50,  
Defendants.**

**ORDER**

**AND NOW**, this 12th day of May, 2016, upon consideration of Defendant Christie Pabarue Morten & Young's ("Christie Pabarue") Motion to Dismiss Counts III (ERISA violations), IV (aiding and abetting fiduciary breach) and VII (fiduciary breach and malpractice) of Plaintiffs' First Amended Complaint [ECF No. 150], Plaintiffs' Response in Opposition

thereto [ECF No. 165], and Defendant's Reply in Support thereof [ECF No. 169]; **IT IS HEREBY ORDERED:**

1. The motion is **GRANTED** as to Counts III (ERISA violations) and IV (aiding and abetting fiduciary breach); these counts are **DISMISSED WITH PREJUDICE**.
2. With respect to Count VII (fiduciary breach and malpractice), the motion is **DENIED**.

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**