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 BISSELL & LIDDELL, LLP, ANDERSON KILL & OLICK, P.C., CHAPLIN & DRYSDALE, GATES HALBRUNER & HATCH, CHRISTIE PARABUE MORTEN & YOUNG, JEFFERSON GOVERNMENT RELATIONS, THEODORE HOBSON, **BONNIE KORESKO and JOHN DOE COMPANIES 1-50,**

Defendants.

ORDER

AND NOW, this 2nd day of June, 2016, upon consideration of Defendant Law Offices of Scott Alan Orth, P.A.'s ("SAO") Motion to Dismiss [ECF Nos. 187-88], Plaintiffs' Response in Opposition thereto [ECF No. 196], and Defendant's Reply in Support thereof [ECF No. 206], **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.

WENDY BEETLESTONE, J.