

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

**ARIC D. HAUSKNECHT, COMPLETE
MEDICAL CARE SERVICES OF NY, PC
AND COMPLETE MEDICAL CARE
SERVICES OF NY, PC HEALTH AND
WELFARE BENEFIT PLAN,
Plaintiffs,**

CIVIL ACTION

NO. 17-3911

v.

**JOHN HANCOCK LIFE INSURANCE
COMPANY OF NEW YORK,
Defendant.**

ORDER

AND NOW, this 13th day of August, 2018, upon consideration of Defendant's Motion to Dismiss (ECF No. 17), Plaintiffs' Response to Defendant's Motion and Cross-Motion for Summary Judgment (ECF No. 31), Defendant's Reply in Support of its Motion and Response to Plaintiffs' Motion (ECF No. 36), Plaintiffs' Reply thereto (ECF No. 38), and Plaintiffs' Sur-Reply (ECF No. 42), **IT IS ORDERED** that:

1. Defendant's Motion to Dismiss (ECF No. 17) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendant's Motion to Dismiss is **GRANTED** with respect to Count I of the Complaint, 29 U.S.C. § 1132(a)(2), only to the extent it is premised on Defendant's actions to change the owner and beneficiary of the life insurance policy from the REAL VEBA Trust to the Complete Medical Care Service of NY, P.C. Welfare Plan Trust, and is otherwise **DENIED**;
 - b. Defendant's Motion to Dismiss is **DENIED** with respect to Count II of the Complaint, 29 U.S.C. § 1132(a)(3), to the extent it seeks restitution of the life

insurance policy value, and is otherwise **GRANTED**;

- c. Defendant's Motion to Dismiss Count III of the Complaint, 18 U.S.C. § 1962(c), is **GRANTED** with respect to Plaintiffs Aric D. Hausknecht and Complete Medical Care Services of NY, PC, for lack of RICO standing and with respect to Plaintiff Complete Medical Care Services of NY, PC Health and Welfare Benefit Plan for failure to state a claim;
 - d. Defendant's Motion to Dismiss Count IV, 18 U.S.C. § 1962(d), is **GRANTED**;
- and,
2. Plaintiffs' Motion for Summary Judgment (ECF No. 31) is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.