

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

SNOW SHOE REFRACTORIES LLC,  
as Administrator of the SNOW SHOE  
BENEFICIARIES LLC PENSION  
PLAN FOR HOURLY EMPLOYEES,

Plaintiff.

v.

JOHN JUMPER, BRENT  
PORTERFIELD, AMERICAN  
INVESTMENT FUNDS II, a Delaware  
limited liability company, and R.  
TRENT CURRY,

Defendants.

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R. TRENT CURRY,

Third-Party Plaintiff.

v.

MERRILL LYNCH BANK & TRUST  
CO., FSB,

Third-Party Defendant.

**ORDER**

**AND NOW**, this 4<sup>th</sup> day of October 2019, in accordance with the  
accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Third-Party Defendant's Motion to Dismiss, June 12, 2019, ECF No. 142 is **GRANTED**.
2. Count II is **DISMISSED WITH PREJUDICE**.
3. Defendant, R. Trent Curry, may file a second amended third-party complaint with respect to count I by October 18, 2019. If no amended third-party complaint is filed by that date, the third-party action will be summarily dismissed pursuant to Fed. R. Civ. P. 41(b).

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge