

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

I. KENNETH COOK, et al.,
Plaintiffs,
v.
JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.), et al.,
Defendants.
Civil Action No. 7:12-cv-00455
ORDER
By: Hon. Michael F. Urbanski
United States District Judge

For the reasons set forth in the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that John Hancock Life Insurance Company (U.S.A.)'s motion to dismiss, Dkt. No. 12, is

GRANTED IN PART and DENIED IN PART. It is GRANTED as to the following claims,

which are hereby DISMISSED with prejudice:

- 1. those claims in Count II alleging violations of the state and federal securities laws;
2. the negligent supervision claim and claims based on the direct negligence of JHLIC in Count III; and
3. the breach of contract claim in Count V, insofar as it is brought by Cook and alleges a breach of the terms of the JHLIC Policy.

It is DENIED in all other respects.

It is further ORDERED that Nationwide's Motion to Dismiss, Dkt. No. 18, is

GRANTED IN PART and DENIED IN PART. It is GRANTED as to the following claims,

which are hereby DISMISSED with prejudice:

- 1. all the claims against Nationwide brought by the Trustee; and
2. the negligent supervision claim and claims based on the direct negligence of Nationwide in Count III.

It is DENIED in all other respects.

It is further **ORDERED** that the complaint and style of the case be, and hereby are, **AMENDED** as follows, both amendments relating back to the filing of the complaint:

1. the name of the second plaintiff is “Kenneth Todd Cook, Trustee of the Kenneth Cook Irrevocable Insurance Trust”; and
2. the name of the first defendant is “John Hancock Life Insurance Company (U.S.A.)”

The Clerk is directed to send copies of this order and accompanying memorandum opinion to all counsel of record and to Neil Winterrowd at his last known address of record. Additionally, the court will separately contact the parties to set the case for trial and issue a scheduling order.

It is so ORDERED.

Entered: January 14, 2015

Michael F. Urbanski

Michael F. Urbanski
United States District Judge