

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

_____	:	
IN RE AMERICAN BUSINESS	:	Master File No. 05-232
FINANCIAL SERVICES INC.	:	
NOTEHOLDERS LITIGATION	:	
_____	:	
This Document Relates To All Actions	:	

ORDER

And now, this 25th day of July, 2007, upon consideration of defendants' motion for judgment on the pleadings and plaintiffs' response thereto, it is hereby ORDERED that the motion is GRANTED in part and DENIED in part.

Defendants' motion is GRANTED as to plaintiffs' Section 12 solicitation claims. As I stated in my January 9, 2007 opinion in this case, "plaintiffs do not allege any facts that demonstrate the active participation of any defendant or any relationship between any defendant and any plaintiff-purchaser." Under the standard articulated by Bell Atlantic Co. v. Twombly, 127 S.Ct. 1955 (2007), "[f]actual allegations must be enough to raise a right to relief above the speculative level." Id. at *1965. Without offering facts, plaintiffs cannot meet this burden. Plaintiffs may amend their complaint within 10 business days to conform to the Bell Atlantic standard.

Defendants' motion is DENIED as to all other claims. Plaintiffs' other claims for relief are plausible and supported by facts. Id. at *1973 n.14. No heightened pleading standard is required. Id.

Defendants' motion to stay proceedings is DENIED as moot.

s/Thomas N. O'Neill
THOMAS N. O'NEILL, JR., J.