

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

K. J. EGELSTON, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

Case No. 06-13555

HEARTLAND INDUSTRIAL PARTNERS, L.P., a
Delaware limited liability partnership,
HEARTLAND INDUSTRIAL ASSOCIATES,
L.L.C., a Delaware limited company, DAVID
A. STOCKMAN, J. MICHAEL STEPP, and
BRYCE M. KOTH,

Honorable Arthur J. Tarnow

Defendants.

MAINSTAY HIGH YIELD CORPORATE BOND
FUND, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

Case No. 07-10542

HEARTLAND INDUSTRIAL PARTNERS, L.P.,
HEARTLAND INDUSTRIAL ASSOCIATES,
L.L.C., DAVID A. STOCKMAN, J. MICHAEL
STEPP, TIMOTHY D. LEULIETTE, DANIEL P.
TREDWELL, W. GERALD MCCONNELL,
SAMUEL VALENTI, III, JOHN A. GALANTE,
BRYCE M. KOTH, ROBERT KRAUSE, GERALD
E. JONES, DAVID R. COSGROVE, ELKIN B.
MCCALLUM, PAUL C. BARNABA, THOMAS
V. GOUGHERTY, and CHRISTOPHER M.
WILLIAMS,

Honorable Arthur J. Tarnow

Defendants.

**ORDER DENYING MOTIONS TO DISMISS [32 in 06-13555, 33, 35; 41 in 07-10542, 43, 45, 48,
51] ;**

GRANTING MOTIONS TO DISMISS [36 IN 07-10542, 37, 46];

**DENYING IN PART AND GRANTING IN PART MOTIONS TO DISMISS [34 IN 06-13555; 40 IN 07-
10542, 42, 50];**

AND DENYING AS MOOT MOTION TO DISMISS [47]

Before the Court are the motions to dismiss filed by all the defendants, except for Galante and Jones. These matters came on for a hearing on March 18, 2008.

For the reasons stated on the record, with regard to 06-13555, Heartland Industrial Partners and Heartland Industrial Associates' Motion to dismiss is DENIED;

Stepp's Motion to dismiss is DENIED;

Koth's Motion to dismiss is DENIED IN PART as to the primary violation and GRANTED IN PART as to the § 20(a) violation;

And Stockman's Motion to dismiss is DENIED.

With regard to 07-10542,

Williams's Motion to dismiss is GRANTED;

Gougherty's Motion to dismiss is GRANTED;

Leuliette's Motion to dismiss is GRANTED IN PART as to the primary violation and DENIED IN PART as to the § 20(a) violation;

Heartland Industrial Partners and Heartland Industrial Associates' Motion to dismiss is DENIED;

Tredwell, McConnell, and Valenti's Motion to dismiss is GRANTED IN PART as to the primary violation and DENIED IN PART as to the § 20(a)

violation;

McCallum's Motion to dismiss is DENIED;

Cosgrove's Motion to dismiss is DENIED;

Barnaba's Motion to dismiss is GRANTED;

Stepp's Motion to dismiss is DENIED;

Koth and Krause's Motion to dismiss is GRANTED IN PART as to Krause and as to Koth's § 20(a) violation, and DENIED IN PART as to Koth's primary violation;

And Stockman's Amended Motion to dismiss is DENIED. His originally filed motion to dismiss, docketed as entry 47, is DENIED AS MOOT.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: March 19, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 19, 2008, by electronic and/or ordinary mail.

S/V. Sims for THERESA E. TAYLOR
Case Manager