

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DAVID T. VINING, Individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

OPPENHEIMER HOLDINGS INC. and  
OPPENHEIMER & CO., INC.,  
Defendants.

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9/30/10</u>
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08 CIVIL 4435 (LAP)

**JUDGMENT**

Defendants having moved to dismiss the Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and the matter having come before the Honorable Loretta A. Preska, United States District Judge, and the Court, on September 27, 2010, having rendered its Opinion and Order granting defendants' motion to dismiss and dismissing the plaintiff's complaint against defendants in its entirety without prejudice, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 27, 2010, defendants' motion to dismiss is granted and plaintiff's complaint against defendants is dismissed in its entirety without prejudice; accordingly, the case is closed and all pending motions denied as moot.

**Dated:** New York, New York  
September 30, 2010

**RUBY J. KRAJICK**

\_\_\_\_\_  
Clerk of Court

BY:



\_\_\_\_\_  
Deputy Clerk

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_