

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
MARSHALL FREIDUS, et al.,

Plaintiffs,

-against-

09 Civ. 1049 (LAK)

ING GROEP N.V., et al.,

Defendants.
----- x


ORDER

LEWIS A. KAPLAN, *District Judge.*

The arguments advanced in defendants' motion for judgment on the pleadings as to the remaining claim with respect to the June 2008 offering at least arguably are not properly asserted on a motion for judgment on the pleadings and certainly could and should have been made on a motion for summary judgment. Accordingly, the motion [DI 148] is denied without prejudice to a motion for summary judgment of dismissal.

SO ORDERED.

Dated: March 29, 2011



Lewis A. Kaplan
United States District Judge