

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**ROBERT DE VITO, Individually and
On Behalf of All Others Similarly
Situated,**

Plaintiffs,

v.

**LIQUID HOLDINGS GROUP, INC.,
BRIAN M. STORMS, KENNETH D.
SHIFRIN, RICHARD SCHAEFFER,
BRIAN FERDINAND, and SANDLER
O'NEILL & PARTNERS, L.P.,**

Defendants.

Civ. No. 15-6969 (KM) (JBC)

ORDER

THIS MATTER having come before the Court on the motions of defendants Brian M. Storms, Kenneth D. Shifrin, Richard Schaeffer, Brian Ferdinand, and Sandler O'Neill & Partners, L.P. to dismiss the third amended complaint (DE 207, 209, 210, 211); and the plaintiffs having opposed the motions (DE 213); and the defendants having filed reply briefs (DE 218, 219, 220, 221); and the Court having considered the papers before it without oral argument pursuant to Fed. R. Civ. P. 78(b); for the reasons stated in the Opinion filed on this date, and for good cause shown:

IT IS this 31st day of December, 2018,

ORDERED that the defendants' motions to dismiss the third amended complaint (DE 207, 209, 210, 211) are **GRANTED IN PART** and **DENIED IN PART** and the following counts are dismissed:

Count I, applicable to defendants Storms, Shifrin, Schaeffer, Ferdinand, and Sandler O'Neill & Partners, L.P.;

Count II, applicable to defendants Storms, Shifrin, Schaeffer, and Ferdinand; and

Count IV, applicable to defendant Ferdinand.

The defendants' motions are denied with respect to Count III and Count V, applicable to defendants Storms, Shifrin, and Ferdinand.

The dismissals are without prejudice to the filing of a properly supported motion to amend, pursuant to Fed. R. Civ. P. 15, attaching a proposed amended complaint, within 45 days.


HON. KEVIN MCNULTY, U.S.D.J.