

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
THEO BULLMORE, et ano., etc.,

Plaintiffs,

-against-

05 Civ. 10206 (LAK)

BANC OF AMERICA SECURITIES LLC, et al.,

Defendants.  
----- x

**ORDER**

LEWIS A. KAPLAN, *District Judge*.

The motion to dismiss the amended complaint as to defendants Prudential Financial, Inc., Prudential Equity Group, LLC, and Wachovia Securities, LLC (collectively "Prudential") [docket item 34] is granted.

The allegations against Prudential here are substantially the same as the allegations against it in the related case *Fraternity Fund v. Beacon Hill Asset Management*, No. 03 Civ. 2387 (LAK). For the reasons set forth in the Court's opinion of even date in the *Fraternity Fund* case,<sup>1</sup> plaintiffs' allegations here fail to state a claim against Prudential.

SO ORDERED.

Dated: March 27, 2006



\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge

\_\_\_\_\_  
1