
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

GIL A. MILLER, in his capacity as the Trustee
of the Randall Victims Private Actions Trust,

Plaintiff,

vs.

UNION CENTRAL LIFE INSURANCE
COMPANY et al.,

Defendants.

ORDER

Case No. 2:14-cv-0575 CW

Judge Clark Waddoups

This matter is before the court on a Motion to Dismiss filed by the defendants.¹ The court concludes it has jurisdiction over this matter based on 28 U.S.C. § 1334(b) because this case is related to Bankruptcy Case No. 10-37546 filed in the United States Bankruptcy Court for the District of Utah.

A hearing on the motion was held before the Honorable Clark Waddoups on June 3, 2015. After due consideration of the parties' filings, oral arguments, and otherwise being fully advised, IT IS HEREBY ORDERED, for the reasons stated on the record, the following:

1. The Motion to Dismiss is GRANTED IN PART and DENIED IN PART (Dkt. No. 27).
2. The court grants the motion with respect to the unjust enrichment claim (Fifth

¹ The defendants are Union Central Life Insurance Company, Ameritas Life Insurance Corp., Ameritas Life Insurance Corp. of New York, and Acacia Life Insurance Company.

Cause of Action) and dismisses it without prejudice.

3. The court further grants the motion with respect to Mr. Miller's claims against Ameritas Life Insurance Corp., Ameritas Life Insurance Corp. of New York, and Acacia Life Insurance Company. Those entities are dismissed without prejudice, but the court grants Mr. Miller leave to amend the complaint to assert more specific claims against them.

4. The court also grants the motion with respect to the securities fraud claims (Fourth Cause of Action) accruing before October 30, 2008. Those claims are dismissed with prejudice based on the statute of repose stated in Utah Code § 61-1-22(7)(a)(i).

5. With respect to all other grounds raised in the motion to dismiss, the court denies the motion.

DATED this 11th June, 2015.

BY THE COURT:



Clark Waddoups
United States District Judge