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La Famiglia Trust Order on Defendants' Motion to Dismiss

John J. Goger
Superior Court of Fulton County

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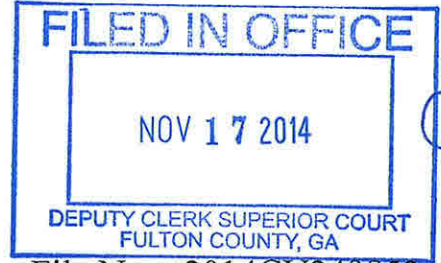
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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



LA FAMIGLIA TRUST,)
)
Plaintiff,)
)
v.)
)
MICHAEL O'CONNOR,)
ANGELA O'CONNOR, and)
OGD HOLDINGS, LLC,)
)
Defendants.)

Civil Action File No.: 2014CV249853
BUS 4

ORDER

Defendants Michael O'Connor and Angela O'Connor have moved to dismiss this case, and specifically Count I, for Declaratory Judgment (the only count in which they are named Defendants), filed against them by Plaintiff La Famiglia Trust. The motion has been fully briefed, and oral argument was held on November 12, 2014.

Having reviewed the parties' written submissions and heard their arguments, the Court finds that Count I for Declaratory Judgment seeks an advisory opinion from this Court regarding whether the subject stock certificate and stock power were fraudulently transferred to Plaintiff. This issue is already being addressed by the United States District Court for the Northern District of Georgia in a pending action styled as *Michael O'Connor et. al. v. OGD Holdings and La Famiglia Trust*, Civil Action No. 1:14-cv-01689-AT (the "Federal Action"). Therefore, the Court

GRANTS the O'Connors' Motion to Dismiss, and it is HEREBY ORDERED that Count I for Declaratory Judgment is DISMISSED without prejudice. *Empire Fire & Marine Ins. Co. v. Metro Courier Corp.*, 234 Ga. App. 670, 673(2) (1998); see also *Pinnacle Benning, LLC v. Clark Realty Cap., LLC*, 314 Ga. App. 609, 614-15 (2012). This dismissal shall not affect Plaintiff's claims or defenses that may be asserted in the Federal Action.

IT IS SO ORDERED, this 17 of November, 2014.



JOHN J. GOGER, JUDGE
FULTON COUNTY SUPERIOR COURT

Copies to:

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