

MEMO# 12443

August 2, 2000

INSTITUTE FILES MOTION TO DISMISS ROHRBAUGH ACTION

[12443] August 2, 2000 TO: BOARD OF GOVERNORS No. 46-00 RE: INSTITUTE FILES MOTION TO DISMISS ROHRBAUGH ACTION As we previously informed you, a lawsuit was filed against the Institute on May 31, 2000.* On July 28th, the Institute filed a Motion to Dismiss and a Memorandum of Law in Support of the Motion in this matter. In its Memorandum, the Institute argued that the complaint should be dismissed because it fails to state a claim under either Section 17 or Section 36(b) of the Investment Company Act of 1940. Copies of the Motion and Memorandum are attached. Plaintiffs' opposition brief is due on September 8, 2000. Craig S. Tyle General Counsel Attachments Attachment (in .pdf format) * Rohrbaugh v. Investment Company Institute, Civil Action No. 1:00CV01237-EGS (D.D.C., May 31, 2000); see Memorandum to Board of Governors No. 31-00, dated June 7, 2000.

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