

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NXIVM CORPORATION, formerly  
known as EXECUTIVE SUCCESS  
PROGRAMS, INC.; and FIRST  
PRINCIPLES, INC.,

Plaintiffs,

v.

MORRIS SUTTON; ROCHELLE  
SUTTON; THE ROSS INSTITUTE;  
RICK ROSS a/k/a "RICKY ROSS";  
STEPHANIE FRANCO; PAUL  
MARTIN, PH.D.; and WELLSRING  
RETREAT, INC.,

Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 06-cv-1051 (DMC)

\_\_\_\_\_ This matter coming before the Court upon motion by Defendants Morris and Rochelle Sutton for dismissal of the Second, Fourth, Fifth, Sixth and Seventh Counts of Plaintiff's Amended Consolidated Complaint pursuant to Federal Rule of Civil Procedure 12(c); and the Court having further reviewed all submissions; and for the reasons stated in its Opinion issued on this day,

IT IS on this 27 day of June, 2007;

**ORDERED** that Defendants' motion to dismiss is **granted** as to Counts Two, Five, Six as to all Defendants; and it is further

**ORDERED** that Defendants' motion to dismiss is **granted** as to Count Seven as to the Suttons; and it is further

**ORDERED** that Defendants' motion to dismiss is **denied** as to Count Four.

S/ Dennis M. Cavanaugh

Dennis M. Cavanaugh, U.S.D.J.

cc: All Counsel of Record  
The Honorable Mark Falk, U.S.M.J.