

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

LEONARD HOWARD, *Individually and on  
behalf of all others similarly situated*,  
Plaintiff,

v.

LIQUIDITY SERVICES, INC., *et al*,  
Defendants.

Civil Action No. 14-1183 (BAH)  
Chief Judge Beryl A. Howell

**ORDER**

Upon consideration of the plaintiffs' Amended Complaint, ECF No. 35, the defendants' Motion to Dismiss, ECF No. 40, the related legal memoranda in support and in opposition, the exhibits attached thereto, and the entire record herein, for the reasons set forth in the accompanying Memorandum, it is hereby

**ORDERED** that the defendants' Motion to Dismiss Count I is GRANTED in Part and DENIED in Part; it is DENIED as to alleged misrepresentations regarding the financial performance of Liquidity Services, Inc.'s retail and commercial capital assets divisions and it is GRANTED as to any alleged misrepresentations regarding GoIndustry and Network International; and it is further

**ORDERED** that the defendants' Motion to Dismiss Count II is DENIED; and it is further

**ORDERED** that the parties comply with this Court's Standing Order ¶ 3, ECF No. 3, which requires the parties to file jointly a Meet and Confer Report pursuant to Local Civil Rule 16.3(b), by April 14, 2016.

**SO ORDERED**

Date: March 31, 2016



Digitally signed by Hon. Beryl A. Howell  
DN: cn=Hon. Beryl A. Howell, o=U.S.  
District Court for the District of Columbia,  
ou=Chief Judge,  
email=Howell\_Chambers@dcd.uscourts.g  
ov, c=US  
Date: 2016.03.31 15:21:17 -0400

**BERYL A. HOWELL**  
Chief Judge