

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case No: 01-08592-8P1

21ST CENTURY SATELLITE  
COMMUNICATIONS, INC.,

Debtor,

21st CENTURY SATELLITE  
COMMUNICATIONS, INC. and  
21st CENTURY SATELLITE  
COMMUNICATIONS, INC., LIQUIDATING  
TRUST,

Plaintiffs,

Adversary Proceeding  
No. 04-380

v.

RETIREMENT ACCOUNTS, INC. d/b/a RAI;  
ROBERT S. BYRCH; GABRIEL PANEPINTO;  
FORREST RIDDLE; JOHN B. GODSEY; ALLEN  
OWEN; SATELLITE COMMUNICATIONS  
GROUP, INC., a Florida corporation; FINMARK,  
INC., a Florida Corporation; TUNSTALL  
CONSULTING, INC., a Florida corporation;  
MONTEREY BAY SECURITIES, INC.; FSC  
SECURITIES CORPORATION; SUNAMERICA  
SECURITIES, INC.; OAK BROOK SECURITIES  
CORP.; OROSEY & PEPE CAPITAL MARKETS  
INC.; LOP CAPITAL MARKETS, INC.;  
WOODBURY FINANCIAL SERVICES, INC.;  
ANDRICK SECURITIES CORP.; WMA  
SECURITIES, INC.; HORNOR, TOWNSEND &  
KENT, INC.; TOWER SQUARE SECURITIES,  
INC.; ALLEN C. EWING & CO.; SEARS-  
THOMPSON INVESTMENT GROUP, INC.; JOHN  
HANCOCK DISTRIBUTORS, INC. n/k/a  
SIGNATOR INVESTORS, INC.; SUMMIT  
BROKERAGE SERVICES, INC.; ORLAN K.  
BOYD, JR.; GREGORY EVANS; JOE WOOTERS;  
IVAN D. BAUER; HOWARD S. BALDWIN;  
OSCAR BROWN; WILBUR S. BROWN;  
MICHAEL GAINER; BROWN-GAINER &  
ASSOCIATES, INC.; DAVID COMBS; KD  
ASSOCIATES, L.L.C.; STANLEY R. JACKSON;  
EBC, INC.; DOUGLAS NONAKA; ROBERT C.  
SHELDON; LEE SPRIMONT; LARRY BLEVINS

& ASSOCIATES, INC.; MARK D. DIAMOND;  
ROBERT M. MICHUTKA, INDIVIDUALLY AND  
d/b/a AMERICAN CAPITAL RESOURCES;  
CLARE O. CARPENTER; CAPITAL FOR LIFE  
INC.; DONALD SNELLGROVE; WES FISHER;  
STEVEN BARB; JAMES DEPARLE and THOMAS  
DURAND,

Defendants.

**ORDER DENYING TSSI'S MOTION TO  
DISMISS**

(Doc. No. 230)

THIS CASE came on for hearing on January 15, 2005 to consider the Motion to Dismiss filed by Tower Square Securities, Inc. (TSSI) pursuant to Bankruptcy Rules 7012 and 7009 which incorporate into the Bankruptcy Code Fed. R. Civ. P. 12(b)(6) and 9(b). TSSI moves to dismiss the Amended Complaint filed by 21st Century Satellite Communications, Inc. and 21st Century Satellite Communications, Inc., Liquidating Trust (Plaintiffs) in which Plaintiffs allege fraud on the part of the Defendants. For the reasons stated orally and in open court, the motion should be denied.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Motion to Dismiss (Doc. No. 230) be, and is hereby, denied without prejudice. The Defendants shall have thirty (30) days from the date of this order to file an answer to the Amended Complaint. If an answer is filed, the matter shall be set for pre-trial conference.

DONE AND ORDERED at Tampa, Florida,  
on March 22, 2005.

/s/ Alexander L. Paskay  
ALEXANDER L. PASKAY  
United States Bankruptcy Judge