

is permitted to conduct discovery keyed to the wire or mail fraud element of its RICO claim for sixty (60) days commencing this date. It is ORDERED that Freeport Transit is to submit a proper motion to amend and amended complaint addressing the deficiencies identified in the revised recommended decision at the expiration of the 60-day period. Failing that, this Court will dismiss Count I of the Complaint with prejudice and dismiss the remaining counts without prejudice. It is ORDERED that defendants may renew their motion to dismiss on the three state law in the event that the motion to amend is granted.

3. It is finally ORDERED that the motion to dismiss is DENIED IN PART as to Count I and ruling is DEFERRED on the four remaining counts for sixty (60) days.

GEORGE Z. SINGAL
Chief Judge, U.S.D.C.

Dated this 3rd day of February, 2003.

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