TRB:ems 03-206 4/27/05

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

FILED
APR 2 9
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al,
*Plaintiffs,*

VS.

C.A. 04-312 L

JEFFREY DERDERIAN, et al,
*Defendants.*

ESTATE OF JUDE HENAULT, et al,
*Plaintiffs*

VS.

C.A. 03-483L

AMERICAN FOAM CORPORATION, et al
*Defendants*

**WITHDRAWAL OF PARTIAL MOTION FOR JUDGMENT ON THE PLEADINGS UNDER RULE 12(C) BY DEFENDANTS, TRITON REALTY LIMITED PARTNERSHIP, TRITON REALTY, INC. AND RAYMOND J. VILLANOVA**

Now come defendants Triton Realty Limited Partnership, Triton Realty, Inc., and Raymond J. Villanova, to withdraw, with the permission of the Court, their motion for judgment on the pleadings filed on or about February 3, 2005.

Defendants motion was premised on the Court's consideration of a lease agreement submitted with the supporting memorandum. In light of the plaintiffs' objection to the Court's consideration of the lease, and recent rulings by the Court concerning consideration of matters outside the pleadings under Rule 12, defendants withdraw the motion. Defendants, however, reserve the right to raise the same issues and move for dispositive relief when the lease may appropriately be considered.

Entered: Ronald R. Lagueux
Sr. USDJ 5/5/05

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