

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>John C. McLemore, Trustee,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:08-cv-21</b>
	)	<b>Judge Trauger</b>
	)	
<b>Regions Bank, as Successor in Interest by</b>	)	
<b>Merger to AmSouth Bank, and</b>	)	
<b>Mid Atlantic Capital Corporation,</b>	)	
	)	
<b>Defendants.</b>	)	

**MACC’S MOTION TO RE-ASSIGN THIS CASE AS A RELATED CASE**

Pursuant to Administrative Order No. 176, and for the reasons stated in the accompanying memorandum, Mid Atlantic Capital Corporation (“MACC”) respectfully requests the re-assignment of this related case to the judge presiding over the prior-pending case of Heritage Equity Group 401(k) Savings Plan and others v. Mid Atlantic Capital Corporation and SunGard Institutional Brokerage, Inc., M.D. Tenn. No. 3:07-cv-841.

Respectfully submitted,

KIRKPATRICK & LOCKHART PRESTON GATES  
ELLIS LLP

David L. McClenahan  
Matthew J. Fader  
Ryan DeMotte  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 355-6500

and

HARWELL HOWARD HYNE  
GABBERT & MANNER, P.C.

By: s/ D. Alexander Fardon  
Craig V. Gabbert, Jr.  
(Tenn. Bar No. 4702)  
Barbara D. Holmes  
(Tenn. Bar No. 12121)  
D. Alexander Fardon  
(Tenn. Bar No. 13787)  
315 Deaderick Street, Suite 1800  
Nashville, TN 37238  
615-256-0500-Telephone  
615-251-1058-Facsimile  
cvg, bdh or daf@h3gm.com

Attorneys for Mid Atlantic Capital Corporation

CERTIFICATE OF SERVICE

This document was filed electronically with the Clerk's office by using the CM/ECF system and was simultaneously served upon the following using that same system:

John R. Wingo  
Jonathan Frederick Teitenberg  
Frost, Brown & Todd, LLC  
424 Church Street  
Suite 1600  
Nashville, TN 37219

Robert Martin Garfinkle  
Garfinkle, McLemore & Walker, PLLC  
P.O. Box 158249  
2000 Richard Jones Road  
Suite 250  
Nashville, TN 37215-8249

In addition, on the day of filing a copy of this document was served by first-class mail upon the following counsel of record in M.D. Tenn. Case No. 3:07-cv-841:

H. Naill Falls Jr.  
John V. Veach III  
Falls & Veach  
1143 Sewanee Road  
Nashville, TN 37220

Deborah S. Davidson  
Morgan, Lewis & Brockius LLP  
77 West Wacker Drive, 5<sup>th</sup> Floor  
Chicago, IL 60601

s/ D. Alexander Fardon  
D. Alexander Fardon