

1 Defendant Goldberg has filed a Fed.R.Civ.P. 60(a)¹ motion seeking to
2 correct what he believes to be an oversight in the court's October 26, 2001,
3 order granting in part and denying in part his motion to dismiss.
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5 The motion is well-taken. It was an oversight on the part of the court not
6 to address the motion to dismiss as to count 10, and in the interests of
7 conserving the resources of the parties, the court rules as follows without the
8 necessity of a response from plaintiffs.
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11 Defendant Goldberg's Fed.R.Civ.P. 60(b) motion is granted and the Order
12 of October 26, 2001, is amended to provide that count 10 as it may apply to
13 defendant Goldberg is dismissed with prejudice. Count 10 is injunctive in
14 nature and because defendant Goldberg is no longer an employee of the
15 Commonwealth government, and because injunctive or estoppel relief against
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26 Fed.R.Civ.P. 60(a) provides in relevant part that "clerical mistakes
in...orders...may be corrected by the court...on the motion of any party[.]"

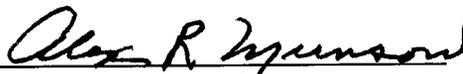
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him in his personal capacity is not appropriate, the count is dismissed with
prejudice.

This order shall be sent to all parties via facsimile.

IT IS SO ORDERED.

DATED this 9th day of January, 2002.



ALEX R. MUNSON
Judge