

THE BANK OF NEW YORK,

Plaintiff,

v.

**FEDERAL DEPOSIT INSURANCE
COMPANY,**

Defendant.

Civil Action No. 03-1221 (ESH)

For the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that plaintiff's Motion for Judgment as to Liability [#60] is **DENIED** and defendant's Motion for Judgment on Count Six [#67] is **GRANTED**. Defendant's Motion for Reconsideration of Magistrate Judge's May 19, 2006 Memorandum Order on Costs [#64] is **DENIED**. The above-captioned case is hereby dismissed with prejudice.

Date: September 27, 2006