EXHIBIT D

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 05-60906-CIV-MORENO

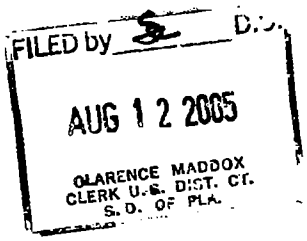
ROBERTO MARTINEZ, as court-appointed Receiver for
MUTUAL BENEFITS COPRORATION,

Plaintiff,

vs.

DAVE TRAINA, *et al.*,

Defendants.
_____/



ORDER VACATING ORDER GRANTING MOTION FOR RECONSIDERATION AND ORDER DENYING MOTION FOR RECONSIDERATION

THIS CAUSE came before the Court upon Plaintiff's Motion for Reconsideration of Order of Dismissal **(D.E. No. 44)**, filed on **July 8, 2005**.

THE COURT has considered the motion and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the order granting the motion for reconsideration is vacated. The motion for reconsideration is DENIED. It is clear from the motion for reconsideration and the complaint that there is no harm to the Receivership Entities other than that arising from the violation of federal securities laws and that such harm is actually to the investors. There is no cause of action available to an entity which simply wishes to ensure that money is available for judgment creditors. The investors have the right to decide whether or not to sue the MBC sales agents. The unjust enrichment claim is based on the federal securities laws. The case cited by the Receiver in support of his motion is based on a motion brought pursuant to the federal securities laws and joined in by

the SEC. It is clearly distinguishable. The Receiver has not alleged a securities claim violation on behalf of the entities and there is no "unjust" enrichment without the federal securities laws. Accordingly, the Receiver does not have constitutional or statutory standing, as stated in this Court's previous order of dismissal. It is best to simply let the investors bring any cause on their own behalf, if they wish. Therefore, the hearing set for August 17, 2005 on this issue is CANCELLED. Other matters, however, may be discussed on that date.

DONE AND ORDERED in Chambers at Miami, Florida, this 4 day of August, 2005.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

Roberto Martinez, Receiver
Dean C. Colson, Esq.
Curtis B. Miner, Esq.
Joseph M. Matthews, Esq.
Curtis H. Eidson, Esq.
Marc Cooper, Esq.
Julie B. Kane, Esq.