

Edgar Filing: KITT BARRY M - Form SC 13G/A

KITT BARRY M
Form SC 13G/A
February 14, 2003

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

SCHEDULE 13G
(AMENDMENT NO. 1)

Under the Securities Exchange Act of 1934*

eResearchTechnology, Inc.

(Name of Issuer)

Common Stock, par value \$.01 per share

(Title of Class of Securities)

29481V-10-8

(CUSIP Number)

December 31, 2002

(Date of Event Which Requires Filing of this Statement)

Check the appropriate box to designate the rule pursuant to which this Schedule is filed:

Rule 13d-1(b)

Rule 13d-1(c)

Rule 13d-1(d)

* The remainder of this cover page shall be filled out for a reporting person's initial filing on this form with respect to the subject class of securities, and for any subsequent amendment containing information which would alter the disclosures provided in a prior cover page.

The information required in the remainder of this cover page shall not be deemed to be "filed" for the purpose of Section 18 of the Securities Exchange Act of 1934 ("Act") or otherwise subject to the liabilities of that section of the Act but shall be subject to all other provisions of the Act (however, see the Notes).

Person Authorized to Receive Notices and Communications:

Lisa A. May, Esq.
Haynes and Boone, LLP
901 Main Street, Suite 3100
Dallas, TX 75202
(214) 651-5000

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30 South 17th Street
Philadelphia, PA 19103

Item 2(a)

Names of Persons Filing:

Barry M. Kitt

Item 2(b)

Addresses of Principal Business Offices:

The Pinnacle Fund, L.P.
Suite 240
4965 Preston Park Blvd.
Plano, TX 75093

Item 2(c)

Citizenship:

U.S.A.

Item 2(d)

Title of Class of Securities:

Common Stock, par value \$.01 per share

Item 2(e)

CUSIP Number:

29481V-10-8

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Item 3

Status of Persons Filing:

- (a) Broker or dealer registered under section 15 of the Act (15 U.S.C. 78o);
- (b) Bank as defined in section 3(a)(6) of the Act (15 U.S.C. 78c);
- (c) Insurance company as defined in section 3(a)(19) of the Act (15 U.S.C. 78c);
- (d) Investment company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8);
- (e) An investment adviser in accordance with Section 240.13d-1(b)(1)(ii)(E);
- (f) An employee benefit plan or endowment fund in accordance with Section 240.13d-1(b)(1)(ii)(F);
- (g) A parent holding company or control person in accordance with Section 240.13d-1(b)(1)(ii)(G);
- (h) A savings association as defined in Section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813);
- (i) A church plan that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940 (15 U.S.C. 80a-3);
- (j) Group, in accordance with Section 240.13d-1(b)(1)

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(ii) (J) .

Item 4

Ownership:

- (a) This statement is filed on behalf of Barry M. Kitt. Mr. Kitt is the general partner of Pinnacle Advisors, L.P., the general partner of The Pinnacle Fund, L.P., a Texas limited partnership, which is the beneficial owner of 573,385 shares of eResearchTechnology, Inc. Mr. Kitt's three minor children are the beneficial owners of an aggregate of 900 shares of eResearchTechnology, Inc. Therefore, Mr. Kitt may be deemed to be the beneficial owner of 574,285 shares of common stock of eResearchTechnology, Inc. Mr. Kitt disclaims beneficial ownership of all shares held by The Pinnacle Fund, L.P. and all shares held by his minor children.
- (b) Percent of Class: 5.4%.
- (c) Number of shares as to which each person has:
 - (i) sole power to vote or to direct the vote: 574,285
 - (ii) shared power to vote or to direct the vote: 0
 - (iii) sole power to dispose or to direct the disposition of: 574,285
 - (iv) shared power to dispose or to direct the disposition of: 0

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Item 5

Ownership of 5% or Less of a Class:

Not applicable.

Item 6

Ownership of More than 5% on Behalf of Another Person:

Not applicable.

Item 7

Identification and Classification of the Subsidiary which Acquired the Security Being Reported on By the Parent Holding Company or Control Person:

The Pinnacle Fund, L.P., a Texas limited partnership

Item 8

Identification and Classification of Members of the Group:

Not applicable.

Item 9

Notice of Dissolution of Group:

Not applicable.

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Item 10

Certification:

By signing below I certify that, to the best of my knowledge and belief, the securities referred to above were not acquired and are not held for the purpose of or with the effect of changing or influencing the control of the issuer of the securities and were not acquired and are not held in connection with or as a participant in any transaction having that purpose or effect.

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SIGNATURE

After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

Date: February 14, 2003

BARRY M. KITT

/s/ BARRY M. KITT

Barry M. Kitt