

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK JACKSON,
Plaintiff,

Civil Action No. 05-4988

v.

ROHM & HAAS COMPANY, et al.,
Defendants.

ORDER

AND NOW, this 19th day of March, 2009, after review of the Report and Recommendation of Judge M. Faith Angell and the responses of the parties, it is hereby ORDERED that:

1. The December 16, 2008 Report and Recommendation of Magistrate Judge Angell (Docket No. 230) is APPROVED and ADOPTED IN PART.
2. Plaintiff's Objections (Docket No. 234) are OVERRULED.
3. The Rohm & Haas Defendants' Motion to Dismiss the Consolidated Amended Complaint (Docket No. 170) and the Liberty Life Defendants' Motion to Dismiss the Consolidated Amended Complaint (Docket No. 171) are GRANTED IN PART and DENIED IN PART:
 - a. Counts I - XV of the Consolidated Amended Complaint (CAC) (Docket No. 168) are DISMISSED WITH PREJUDICE;
 - b. Counts XVII and XIX of the CAC are DISMISSED as to defendants Raj Gupta, Robert Lonergan, and Ellen Friedell;

- c. Counts XX - XXV of the CAC are DISMISSED WITH PREJUDICE.
4. Plaintiff will be permitted to file a second consolidated amended complaint that pleads any of the remaining claims from the CAC that he elects to pursue; this amended complaint is to be filed by April 6, 2009.
 5. On or before April 27, 2009, defendants are to file responses to this second CAC.
 6. Pursuant to the court's Memorandum/Order of Sept. 12, 2007 (Docket No. 125), 28 U.S.C. § 636(c), and the Opinion and Order of this court dated March 19, 2009 denying plaintiff's motion to vacate the reference, this case remains assigned to Magistrate Judge M. Faith Angell.

BY THE COURT:

/s/ Louis H. Pollak, J.
Pollak, J.