

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

**MATTHEW ZINMAN,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**VANTAGE LEARNING, LLC,  
VANTAGE LEARNING (USA), LLC,  
MCCAN ASSOCIATES, INC., BRIAN  
GIBNEY AND PETER MURPHY,**  
**Defendants.**

**NO. 16-2068**

**ORDER**

**AND NOW**, this 30th day of January, 2017, upon consideration of Plaintiff's Motion to Dismiss Defendants' Counterclaims and to Strike Scandalous Allegations (ECF No. 34) and Defendant McCann's Response in Opposition thereto (ECF No. 35), **IT IS HEREBY**

**ORDERED** that:

- 1) Plaintiff's Motion to Dismiss McCann's Counterclaims is **GRANTED** with respect to the unjust enrichment counterclaim and **DENIED** with respect to the fraud and breach of contract counterclaims;
- 2) Plaintiff's Motion to Strike Scandalous Allegations is **GRANTED** in part and **DENIED** in part as follows:
  - a. The Motion is **GRANTED** with respect to Exhibits D to T (ECF Nos. 31-4, 31-5, 31-6, 31-7, 31-8, 31-9, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-17, 31-18, 31-19, and 31-20); and
  - b. The Motion is **DENIED** with respect to Exhibits A to C (ECF Nos. 31-1, 31-2, and 31-3).

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**