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

LIPMAN BROTHERS, INC	Ξ.,
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Plaintiff,

v.

CIVIL ACTION NO. 13-4439

APPRISE SOFTWARE, INC.,

Defendant.

ORDER

AND NOW, this 21st day of July, 2015, upon consideration of Defendant's Motion to Dismiss (Doc. #4) and all supporting and opposing papers, it is hereby ORDERED that the Motion is GRANTED IN PART AND DENIED IN PART as follows:

- 1. As to Count I (Fraud), the Motion is **DENIED**.
- As to Count II (Negligent Misrepresentation in a Commercial Transaction), the Motion is **DENIED**.
- As to Count IV (Violations of the Tennessee Consumer Protection Act), the Motion is GRANTED and Count IV is DISMISSED WITH PREJUDICE.
- As to Count V (Violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law), the Motion is GRANTED and Count V is DISMISSED WITH PREJUDICE.¹

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.

¹ The Motion did not seek dismissal of Count III (Breach of Contract), so that claim is of course not dismissed.