

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL SMITH,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-2166
	:	
IDEAL CONCEPTS, INC.,	:	
Defendant.	:	

ORDER

AND NOW, this 27th day of November, 2023, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. The Motion to Dismiss, *see* ECF No. 9, is **GRANTED in part** and **DENIED in part** as follows:

- A. Count I is **DISMISSED without prejudice**;
- B. The motion to dismiss Counts II and III is **DENIED**.

2. **Within twenty (20) days of the date of this Order**, Plaintiff may file an amended complaint as to any claims dismissed without prejudice.

3. If Plaintiff fails to timely file an amended complaint, Count I will be dismissed with prejudice and the matter will proceed on Counts II and III only.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge