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

GENE R. ROMERO, et al.,

.

Plaintiffs, : CIVIL ACTION

:

v. : NO. 01-3894

:

CONSOLIDATED WITH

ALLSTATE INSURANCE COMPANY,

et al., : NO. 01-6764

Defendants.

ORDER

AND NOW, this 17th day of *March*, 2016, upon consideration of the <u>Romero</u> Plaintiffs' Motion for Reconsideration of the November 12, 2015 Order or, Alternatively, for Certification of Order for Immediate Appeal (Docket No. 789), the <u>McLaughlin</u> and <u>Harris</u> Plaintiffs' Motion for Reconsideration of the November 12, 2015 Order or, Alternatively, for Certification of Order for Immediate Appeal (Docket No. 791); the Consolidated Response of Defendants Allstate Insurance Company, et al. (Docket No. 797), and Plaintiffs' Reply Briefs (Docket Nos. 805 and 806), it is hereby **ORDERED** that both Motions are **GRANTED** as follows:

- 1. The Court's dismissal of Plaintiffs' state law claims of breach of contract and breach of fiduciary duty on the basis of the tender-back/ratification doctrines is reversed, and those claims shall be reinstated.
- 2. The remaining grounds raised by Allstate in its Motion to Dismiss, but not previously addressed by the Court (Docket No. 656) are **DENIED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Gerald J. Pappert GERALD J. PAPPERT

J.