

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

<b>THOMAS JOHN STEWART,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	<b>NO. 07-0177</b>
	:	
<b>GEORGE WAGNER, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of January 2013, upon consideration of Defendants' Motions to Dismiss the Amended Complaint (Doc. Nos. 42, 44, 45) and Plaintiff's Responses thereto (Doc. Nos. 56, 57, 81), **IT IS HEREBY ORDERED** that the Motions are **GRANTED**, as follows:

1. Counts I, II, and IV of the Amended Complaint (Doc. No. 41) are dismissed, with prejudice;
2. Counts III, V, and VI of the Amended Complaint are dismissed, without prejudice;
3. The Clerk is directed to mark this case **CLOSED** for all purposes.

BY THE COURT:

  
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 LAWRENCE F. STENGEL, J.