

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

JOSIAH KUENZI	:	CIVIL ACTION
	:	
v.	:	
	:	
EUROSPORT CYCLES, INC. ET AL	:	NO. 08-3906

ORDER

AND NOW, this 29th day of June 2009, upon consideration of defendant Capital One’s motion for summary judgment and plaintiff Josiah Kuenzi’s response thereto and cross-motion to amend his complaint, it is hereby ORDERED that:

1. Defendant’s motion for summary judgment on plaintiff’s claim that defendant violated the TILA by providing disclosures after the consummation of a loan is DENIED without prejudice.

2. Defendant’s motion for summary judgment on plaintiff’s claim that this potential TILA violation constitutes a violation of the UTPCPL is DENIED without prejudice.

3. Defendant’s motion for summary judgment on all of plaintiff’s other claims is GRANTED.

4. Plaintiff’s cross-motion to amend his complaint is DENIED without prejudice.

Plaintiff may renew his motion attaching the proposed amended pleading. He should not attempt to amend the withdrawn counts or the claims as to which summary judgment has been granted.

/s Thomas N. O’Neill
THOMAS N. O’NEILL, JR. J.