

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

<p>HEATHER HARDEE-GUERRA</p>	<p>:</p>	<p>CIVIL ACTION</p>
	<p>:</p>	
<p>Plaintiff,</p>	<p>:</p>	
	<p>:</p>	
<p>v.</p>	<p>:</p>	<p>NO. 09-1547</p>
	<p>:</p>	
<p>SHIRE PHARMACEUTICALS,</p>	<p>:</p>	
	<p>:</p>	
<p>Defendant.</p>	<p>:</p>	
	<p>:</p>	

ORDER

AND NOW, this 18th day of December, 2009, upon consideration of Defendant’s Motion to Dismiss Counts IV Through VI of the First Amended Complaint (Document No. 8, filed September 21, 2009), Plaintiff’s Response to Defendant’s Motion to Dismiss (Document No. 9, filed October 5, 2009), and Defendant’s Reply Brief in Support of Its Motion to Dismiss Plaintiff’s First Amended Complaint (Document No. 10, filed October 13, 2009), for the reasons set forth in the Memorandum dated December 18, 2009, **IT IS ORDERED** that Defendant’s Motion to Dismiss Count V and Count VI of the First Amended Complaint is **GRANTED**, and Counts V and VI are **DISMISSED**. Defendant’s Motion to Dismiss Count IV of the First Amended Complaint is **DENIED**.

IT IS FURTHER ORDERED that plaintiff will not be granted leave to file a second amended complaint, in view of the fact that she was given an opportunity in the First Amended Complaint to cure the deficiencies raised by defendant’s first motion to dismiss, which included the grounds on which the Court relied in dismissing Count V and Count VI.

IT IS FURTHER ORDERED that a scheduling conference will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.