

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

NIKKI PENNINGTON,	:	
	:	
Plaintiff/Counter Defendant	:	
	:	
v.	:	
	:	
WELLS FARGO BANK, N.A.	:	CIVIL ACTION
<i>SUCCESSOR TO WELLS FARGO HOME</i>	:	
<i>MORTGAGE</i>	:	NO. 11cv2896
	:	
Defendant/Counterclaimant	:	
	:	
v.	:	
	:	
JEFFREY PENNINGTON	:	
	:	
Counter Defendant.	:	

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of May, 2013, upon careful consideration of defendant/counterclaimant’s motion to dismiss (Doc. No. 74), and the counter defendants’ response thereto, **IT IS HEREBY ORDERED** that the motion to dismiss is **GRANTED** and the counterclaims of Nikki Pennington and Jeffrey Pennington to the counterclaims of Wells Fargo are dismissed. As the counter defendants have had numerous opportunities to provide the court with facts to support plausible claims that would entitle them to relief, and yet have failed to do so, dismissal of the counterclaims is **WITH PREJUDICE**, as an amendment would be frivolous and futile.

It is further ordered that Wells Fargo’s alternative motion to strike is **DENIED**.

          s/ William H. Yohn Jr.            
William H. Yohn Jr., Judge