

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

<u>U.S. BANK, NATIONAL ASSOCIATION,</u>	:	
Plaintiff/Counterclaim Defendant,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 12-723
<u>MAURY ROSENBERG,</u>	:	
Defendant/Counterclaim Plaintiff.	:	

ORDER

AND NOW, this 24th day of January 2013, upon consideration of Plaintiff's Motion to Dismiss Defendant's Counterclaims (Doc. No. 11) and its Motion to Strike Defendant's Affirmative Defenses (Doc. No. 12), Defendant's responses in opposition thereto, Plaintiff's reply briefs, Defendant's sur-reply, and Plaintiff's Notice of Recent Supplemental Authority, and for the reasons stated in the Opinion filed this day, it is hereby **ORDERED** that the Motions are **GRANTED in part and DENIED in part** as follows:

1. The Motion to Dismiss is **GRANTED in part** and Counterclaim Count III is **DISMISSED with prejudice**. The Motion is **DENIED** in all other respects.
2. The Motion to Strike is **GRANTED in part** and Defendant's Third, Fifth through Eleventh, Fourteenth, Fifteenth, Seventeenth through Twenty-Fifth, Thirtieth, and Thirty-First Affirmative Defenses are **STRICKEN**. The Motion is **DENIED** in all other respects. Defendant is granted leave to amend his Fifteenth Affirmative Defenses within seven (7) days of the date of this Order.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.