

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

STEPHANIE PHILLIPS, et al. : CIVIL ACTION  
 :  
v. :  
 :  
 : No. 12-2363  
ST. MARY MEDICAL CENTER, et al. :

**ORDER**

AND NOW, this 19<sup>th</sup> day of March, 2013, defendants' "Motion to Dismiss" (doc. no. 9) is granted in part, and Count II of the complaint is dismissed for lack of subject matter jurisdiction. By Friday, April 5, 2013, plaintiffs may file an amended complaint. The remainder of defendants' motion is denied without prejudice to refile in a motion for summary judgment.

BY THE COURT:

/s/ Edmund V. Ludwig  
Edmund V. Ludwig, J.