

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

NATIONAL EDUCATION	:	CIVIL ACTION
FINANCIAL SERVICES, INC., et al.,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
U.S. BANK, NATIONAL	:	NO. 12-6651
ASSOCIATION.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 27th day of November, 2013, upon consideration of Defendant’s Motion to Dismiss the Amended Complaint (Doc. No. 11), it is hereby **ORDERED** that the motion is **GRANTED**, in part, as follows:

- a. Counts I, II, III, IV, V, VI, VII and VIII are **DISMISSED** with prejudice.
- b. Counts IX(j), IX(k), IX(l) and IX(m) are **DISMISSED**, with leave to file an amended complaint consistent with this Court’s Memorandum. If no amended complaint is filed within fourteen (14) days of the docketing of this Order, these claims will be dismissed with prejudice.
- c. The remainder of the motion is **DENIED**.

It is further **ORDERED** that counsel for the parties shall jointly contact Chambers to schedule a Rule 16 conference. Prior to the conference, the parties shall participate in settlement discussions and be prepared to report on the status of these discussions at the conference.

BY THE COURT:

/s/ L. Felipe Restrepo
L. Felipe Restrepo
United States District Court Judge