

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

<b>CHRISTOPHER A. MADONNA,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
v.	:	
	:	
<b>GREGORY J. FRANCISCO, et al.,</b>	:	
<b>Defendants.</b>	:	<b>No. 13-807</b>

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of March, 2014, upon consideration of Defendant Gregory Francisco's Motion to Dismiss (Docket No. 31), Plaintiff's Opposition thereto (Docket No. 33), Defendant Avanuone LLC's Motion to Dismiss (Docket No. 32), Plaintiff's Opposition thereto (Docket No. 34), it is hereby **ORDERED** that:

1. Defendant Gregory Francisco's Motion (Docket No. 31) is **GRANTED in part and DENIED in part**. Count II of Plaintiff's Second Amended Complaint is **DISMISSED** without prejudice.
2. Defendant Avanuone LLC's Motion (Docket No. 32) is **DENIED**.
3. Plaintiff Christopher Madonna may file an amended complaint no later than 14 days from the date of this Order.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE