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

JEAN ELIZABETH JONES,	
Plaintiff,	
v. ARIA HEALTH,	CIVIL ACTION NO. 13-1090
Defendant.	

## **ORDER**

**AND NOW**, this 2<sup>nd</sup> day of January, 2014, upon consideration of Defendant's Motion to Dismiss (Docket #7), Plaintiff's response, and all supporting briefs, it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

- 1. The Motion is **DENIED** with respect to **Count I**.
- 2. The Motion is GRANTED with respect to Count II, which is hereby DISMISSED WITHOUT PREJUDICE. Plaintiff may file an amended complaint within thirty days and should be guided by the accompanying memorandum opinion.
- 3. The Motion is **DENIED** with respect to **Count III**.
- 4. Defendant's request to strike pattern and practice allegations is **DENIED**.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.