

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

<hr/> CHARLES ANTELL,	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 13-1482
FIRST NIAGARA BANK, et al.,	:	
Defendant.	:	
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ORDER

AND NOW, this 7th day of April 2014, upon consideration of Defendants’ Motions to Dismiss Plaintiff’s Amended Complaint (Doc. Nos. 29 & 30), Plaintiff’s Motion for leave to file a Second Amended Complaint (Doc. No. 33), his Motion for leave to file a Revised Second Amended Complaint (Doc. No. 36), and Defendants’ responses thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. The Motion for leave to file the Second Amended Complaint (Doc. No. 33) is **DENIED as moot**;
2. The Motion for leave to file the Revised Second Amended Complaint (Doc. No. 36) is **DENIED as futile**;
3. The Amended Complaint (Doc. no. 28) is **DISMISSED with prejudice**, except with respect to Plaintiff’s claims for a preliminary injunction and declaratory judgment, which are **DISMISSED without prejudice** to Plaintiff’s right to seek such relief or assert related legal theories as defenses in an appropriate court if the dispute ripens;
4. The case remains **CLOSED**.

IT IS SO ORDERED.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.