

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

BRIAN D. MURPHY,	:	
<i>Individually and on behalf of other</i>	:	
<i>similarly situated current and former</i>	:	
<i>homeowners in Pennsylvania</i>	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 13-5719
BANK OF AMERICA, N.A., ET AL.	:	

**ORDER**

**AND NOW**, this 14th day of March, 2016, upon consideration of Motion of Defendants Bank of America, N.A. and the Bank of New York Mellon, N.A., to Dismiss Plaintiff's Amended Complaint (ECF No. 129), and the Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Rule 12(b)(6) of Defendants McCabe Weisberg & Conway, P.C., Terrence J. McCabe, Marc S. Weisberg, and Edward D. Conway (ECF No. 130), and all documents submitted in support thereof, and in opposition thereto, it is **ORDERED** as follows:

1. Defendants Bank of America, N.A.'s and the Bank of New York Mellon, N.A.'s Motion to Dismiss Count I (breach of contract) of Plaintiff's Amended Complaint is **DENIED**.
2. Defendants Bank of America, N.A.'s and the Bank of New York Mellon, N.A.'s Motion to Dismiss Counts II (Act 6 violation), III (Act 91 violation), and IV (Pennsylvania's Unfair Trade Practices and Consumer Protection Law violation) of Plaintiff's Amended Complaint is **GRANTED**. Counts II, III, and IV are hereby **DISMISSED**.
3. Defendants McCabe Weisberg & Conway, P.C.'s, Terrence J. McCabe's, Marc S. Weisberg's, and Edward D. Conway's Motion to Dismiss Counts II (Act 6 violation), III (Act 91 violation), IV (Pennsylvania's Unfair Trade Practices and Consumer Protection Law violation), V (Fair Debt Collection Practices Act violation), and VI (Racketeer

Influenced and Corrupt Organization Act violation) of Plaintiff's Amended Complaint is **GRANTED**. All claims against these Defendants are **DISMISSED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "R. Surrick", is written above a horizontal line.

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**R. BARCLAY SURRECK, J.**