APPLE ALLEY ASSOCIATES II, LP v. M&T BANK Doc. 35

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

APPLE ALLEY ASSOCIATES II, LP,	:	
Plaintiff,	:	
	:	**CIVIL ACTION**
v.	:	
	:	**NO. 13-7258**
M & T BANK,	:	
Defendant.	:	

ORDER

AND NOW, this 23rd day of April 2015, upon consideration of Defendant's Motion to Dismiss the Amended Complaint [Doc. No. 28], Plaintiff's response, Defendant's reply, and Plaintiff's sur-reply, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion is **GRANTED** as to Plaintiff's negligence claims, and **DENIED** as to Plaintiff's claim for conversion of a financial instrument.

Counts I, III, and IV are **DISMISSED** with prejudice as barred by the economic loss doctrine. Plaintiff may proceed on Count II. Defendant is directed to file an answer, addressing Count II of the Amended Complaint, within 14 days of the date of this Order.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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