

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH R. TOSCANO,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 14-763
	:	
v.	:	
	:	
NATIONAL AUTOMOBILE DEALERS	:	
ASSOCIATION d/b/a NATIONAL	:	
AUTOMOBILE DEALERS INSURANCE	:	
TRUST, and EVERCORE TRUST	:	
COMPANY (as trustee for NATIONAL	:	
AUTOMOBILE DEALERS INSURANCE	:	
TRUST),	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of August, 2015, after considering the motion to dismiss the amended complaint filed by the defendants, National Automobile Dealers Association d/b/a National Automobile Dealers Insurance Trust, and Evercore Trust Company (as trustee for National Automobile Dealers Insurance Trust) (Doc. No. 25), the memorandum of law in response to the motion filed by the plaintiff, Kenneth R. Toscano (Doc. No. 26), and the reply brief filed by the defendants (Doc. No. 27); and after reviewing the allegations in the amended complaint and the documents attached thereto (Doc. No. 24); and for the reasons set forth in the accompanying memorandum opinion; accordingly, it is hereby **ORDERED** as follows:

1. The motion to dismiss the amended complaint (Doc. No. 25) is **GRANTED** and the complaint is **DISMISSED** with prejudice; and

2. The clerk of court is directed to mark the case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.