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

WAYNE MOORE AND KIMBERLY MOORE,	CIVIL ACTION
Plaintiffs,	
v.	NO. 14-3113
STATE FARM FIRE AND CASUALTY COMPANY,	
Defendant.	

<u>O R D E R</u>

AND NOW, this 3rd day of February 2015, upon consideration of Defendant State Farm Fire and Casualty Company's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) and the response thereto, it is hereby **ORDERED** that the motion is denied in part and granted in part. It is **ORDERED** that Defendant's request to dismiss paragraph 39 of the Complaint is **DENIED**. It is further **ORDERED** that Defendant's Motion to Dismiss Count III of the Complaint is **GRANTED**. Count III is hereby **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/S/ WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.