

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

JONI WESTAWSKI,
Plaintiff,

v.

MERCK & CO., INC.
Defendant.

CIVIL ACTION

NO. 14-3239

ORDER

AND NOW, this 4th day of February, 2015, upon consideration of Defendant Merck & Co., Inc.'s Motion to Dismiss, ECF No. 7; the Plaintiff's Response in Opposition thereto, ECF No. 8; and the Defendant's Reply, ECF No. 12; and for the reasons provided in the Court's memorandum opinion of February 3, 2015, ECF No. 16, **IT IS ORDERED** that:

- (1) the Defendant's Motion to Dismiss is **DENIED** as to Count I;
- (2) the Defendant's Motion to Dismiss is **GRANTED** as to Count II; Count II of the Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**;
- (3) the Defendant's Motion to Dismiss is **GRANTED** as to Counts III and IV; Counts III and IV of the Complaint are **DISMISSED WITHOUT PREJUDICE**;
and
- (4) the Plaintiff shall have leave to file an amended complaint consistent with the Court's memorandum opinion; such amended complaint must be filed no later than **February 25, 2015**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.