

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

VISUAL COMMUNICATIONS, INC.	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
ASSUREX HEALTH, INC.,	:	NO. 14-3854
	:	
Defendants.	:	
	:	

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of *September*, 2014, upon consideration of Defendant AssureRx Health, Inc.<sup>1</sup> (“Defendant”)’s Motion to Dismiss and Request for Attorney’s Fees (Docket No. 9), Plaintiff Visual Communications, Inc. (“Plaintiff”)’s Response in Opposition (Docket No. 13), Defendant’s Reply Brief (Docket No. 14), Plaintiff’s Sur-Reply Brief (Docket No. 15), and Defendant’s Response to Plaintiff’s Sur-Reply (Docket No. 16), it is hereby **ORDERED** that:

1. Count One of Plaintiff’s Amended Complaint is **DISMISSED WITHOUT PREJUDICE**; and
2. Counts Two and Three of Plaintiff’s Amended Complaint are **DISMISSED WITH PREJUDICE**.
3. Plaintiff has twenty (20) days in which to file a Second Amended Complaint.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.

---

<sup>1</sup> Plaintiff incorrectly captioned Defendant in his Complaint as “Assurex Health, Inc.”