

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

XTREME CAGED COMBAT, et al,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	14-5159
CAGE FURY FIGHTING CHAMPIONSHIPS, et. al.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 29th day of May 2015, upon consideration of defendant Valley Forge Casino Resort’s motion to dismiss (doc. no. 47), defendant Chester Downs and Marina, LLC’s motion to dismiss (doc. no. 48, 53), defendant Joel Freedman’s joinder in Valley Forge’s motion to dismiss (doc. no. 56), plaintiffs’ responses thereto (doc. nos. 50, 61), and upon further consideration of defendants’ replies (doc. nos. 63, 67), and plaintiffs’ surreplies (doc. nos. 64, 68, 69), **IT IS HEREBY ORDERED** that:

1. Defendants’ motions to dismiss (doc. nos. 47, 48, 53) are **GRANTED in part.**
2. Counts 2, 3 and 4 are **DISMISSED WITH PREJUDICE** as to Valley Forge Casino Resort, Chester Downs & Marina LLC and Joel Freedman.
3. The motions to dismiss are otherwise **DENIED.**

4. Ryan Kerwin's legal representation of XCC is a continuing violation of the rules of procedure and the previous orders of this court. These continuing violations could lead to a finding of contempt. Appropriate sanctions for contempt may include dismissal of the complaint with prejudice.

BY THE COURT

/s/ L. Felipe Restrepo for
LAWRENCE F. STENGEL, J.