

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

JOSEPH RUNNER : CIVIL ACTION
 :
 v. :
 :
 C.R. BARD et al. : NO. 14-5259

ORDER

AND NOW, this 3rd day of June, 2015, upon consideration of the defendants' motion to dismiss (docket entry #7) and the plaintiff's opposition thereto, it is hereby ORDERED that:

1. The Clerk of Court shall TRANSFER this case from our Civil Suspense docket to our Active Docket;
2. Defendants' motion to dismiss is GRANTED IN PART and DENIED IN PART;
3. Defendants' motion to dismiss is GRANTED as to Counts II, III, IV, V, VI, VII, VIII, and IX¹;
4. Defendants' motion to dismiss is DENIED as to Count I;
5. By noon on June 8, 2015 the parties shall jointly ADVISE the Court by facsimile (215-580-2156) whether mediation before the Honorable Jacob P. Hart would likely be productive; and
6. Further scheduling shall ABIDE receipt of the parties' facsimile.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.

¹ The plaintiff erroneously misnumbered this Count, for violation of the New Jersey Consumer Fraud Act, as Count IV.