

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

LOCAL UNION NO. 98	:	
INTERNATIONAL BROTHERHOOD OF	:	
ELECTRICAL WORKERS, et al.,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	NO. 15-0815
LP HERMAN COMPANY, LAWRENCE	:	
HERMAN, AND PHYLLIS DIVENTI,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 14th day of *July*, 2015, upon consideration of the Motions to Dismiss by Defendant Phyllis Diventi (Docket No. 7) and Defendants LP Herman Company and Lawrence Herman (Docket No. 8), and Plaintiff's Responses in Opposition (Docket Nos. 10 and 13), it is hereby **ORDERED** that the Motions are **GRANTED IN PART and DENIED IN PART** as follows:

1. As to Count I of the Complaint, the Motion is **DENIED**;
2. As to Count II of the Complaint, the Motion is **GRANTED** with respect to the Labor-Management Cooperation Committee Fund and the Scholarship Fund, but is **DENIED** with respect to the Health & Welfare Fund, the Pension Fund, the Apprentice Training Fund, and the Profit Sharing/Deferred Income Fund.
3. As to Counts III, IV, V, and VI of the Complaint, the Motion is **GRANTED** and those claims are **DISMISSED**.

It is so **ORDERED**.

BY THE COURT:

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