

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

**HANDONG WEN,**  
**Plaintiff,**

**v.**

**ROBERT E. WILLIS and FOXCOTE, INC.,**  
**Defendants.**

**CIVIL ACTION**

**NO. 15-1328**

**ORDER**

**AND NOW**, this 22nd day of October, 2015, upon consideration of the Defendants Robert E. Willis, Foxcode, Inc., and Foxcode Capital Markets, LLC's Motion to Dismiss the Amended Complaint's Repled Breach of Fiduciary Duty Claim [ECF No. 24]; Plaintiff Handong Wen's response in opposition thereto [ECF No. 28]; and the Defendants' Reply [ECF No. 29], and for the reasons provided in the Court's Opinion of October 22, 2015, **IT IS ORDERED** as follows:

- (1) the motion to dismiss Count VII (breach of fiduciary duty) against Defendant Foxcode Capital Markets is **DENIED**;
- (2) the motion to dismiss Count VII (breach of fiduciary duty) against Defendants Robert E. Willis and Foxcode Inc. is **GRANTED**; Count VII of the Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** against Defendants Robert E. Willis and Foxcode Inc.; and
- (3) Defendants **SHALL ANSWER** Plaintiff's Amended Complaint within the time provided by the Federal Rules of Civil Procedure.

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**