WYATT v. PHILADELPHIA HOUSING AUTHORITY et al Doc. 27

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

RICHARD WYATT,	:	
Plaintiffs	:	
v.	:	**CASE NO. 15-2259**
	:	
PHILADELPHIA HOUSING	:	
AUTHORITY, et al.	:	
Defendants.	:	

ORDER

AND NOW, this 1st day of March 2016, upon consideration of Defendants' Motions to Dismiss [Doc. No. 16 and 17], Plaintiff's omnibus response thereto [Doc. No. 23], and the PHA's reply [Doc. No. 24], and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. Plaintiff has voluntarily dismissed Counts II, IV, and VII of the Amended Complaint, as well as the Breach of Fiduciary Duty claims set forth in Count I, and the ERISA claims against the PHA in Count VI. These claims are **DISMISSED** with prejudice.

2. The remaining claims in Counts I and VI and the claims in Counts III and V are **DISMISSED** without prejudice. Plaintiff may file a Second Amended Complaint, to attempt to remedy the pleading deficiencies with regard to the breach of contract/unjust enrichment claims, the retaliation claims, and the ERISA claim against the union, on or before **March 21, 2016**. Failure to do so will result in the dismissal of these claims with prejudice.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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