

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

DEVON DRIVE LIONVILLE, LP, <u>et al.</u> ,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	
v.	:	No. 2:15-cv-3435
	:	
PARKE BANCORP, INC., <u>et al.</u> ,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 29th day of December, 2016, upon consideration of “Defendants’ Motion to Take Judicial Notice” (Doc. No. 11), “Defendants’ Motion to Dismiss Plaintiffs’ Complaint Pursuant to Rule 12(b)(6)” (Doc. No. 12), “Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion to Take Judicial Notice” (Doc. No. 19), “Plaintiffs’ Response in Opposition to Defendants’ Motion to Dismiss” (Doc. No. 20), “Defendants’ Reply Memorandum of Law in Support of Motion to Dismiss the Complaint” (Doc. No. 24), “Plaintiffs’ Surreply in Support of their Opposition to Defendants’ Motion to Dismiss” (Doc. No. 27), “Notice of Judicial Disposition in Two Related Matters that Have Res Judicata and Collateral Estoppel Affects” (Doc. No. 29), and in accordance with the accompanying memorandum opinion, it is hereby **ORDERED**:

- “Defendants’ Motion to Take Judicial Notice” (Doc. No. 11) is **DENIED**.
- “Defendants’ Motion to Dismiss Plaintiffs’ Complaint Pursuant to Rule 12(b)(6)” (Doc. No. 12) is, consistent with the accompanying memorandum opinion, **GRANTED** in part and **DENIED** in part as follows:
 - Count I (Civil RICO – 18 U.S.C. § 1962(c)) is dismissed without prejudice;

- Count I (Civil RICO – 18 U.S.C. § 1962(b)) is dismissed without prejudice;
 - Count III (Conspiracy to Engage in Civil RICO – 18 U.S.C. § 1962(d)) is dismissed without prejudice;
 - Count IV (Fraud) is dismissed without prejudice;
 - Count V (Conversion) is dismissed without prejudice as to Plaintiff John M. Shea only; and
 - Count VI (Conspiracy) is dismissed without prejudice.
- Plaintiffs may file an amended complaint to attempt to cure, if possible, the deficiencies explained in the memorandum opinion on or before **January 30, 2017**. Before filing an amended complaint, Plaintiffs should carefully consider whether the contemplated additional allegations would be sufficient to satisfy the pleading requirements under the Federal Rules of Civil Procedure.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.