GEWIRTZ et al v. OPKO HEALTH, INC. Doc. 26

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

JAMIE GEWIRTZ, *et al.*,	:	
Plaintiffs,	:	
	:	
v.	:	**CIVIL ACTION NO. 15-4352**
	:	
OPKO HEALTH, INC., *et al.*,	:	
Defendants.	:	

ORDER

AND NOW, this 2nd day of February 2017, upon consideration of the Motion to Dismiss Plaintiffs' Second Amended Complaint by Defendants Opko Health, Inc. and Adam Logal (Doc. No. 18) and the response thereto, it is hereby **ORDERED** as follows:

1. Defendants' Motion is **GRANTED IN PART**, and Count II of Plaintiffs' Second Amended Complaint is **DISMISSED WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum Opinion;
2. Plaintiffs will file a Third Amended Complaint that complies with the Memorandum Opinion on or before **FEBRUARY 20, 2017.**
3. If Plaintiffs do not file a Third Amended Complaint, Defendants will answer the Second Amended Complaint on or before **MARCH 6, 2017.**
4. Plaintiffs' Motion for Leave to File Sur-Reply (Doc. No. 23) is **DISMISSED AS MOOT**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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