

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

DENISE M. MARUSCO GODFREY :
AND BYRON J. GODFREY, :
Plaintiffs, :

v. :

UPLAND BOROUGH, et al., :
Defendants. :

CIVIL ACTION NO. 15-6477

ORDER

AND NOW, this 29th day of March 2017, upon consideration of the pending motions and responses, and for the reasons explained in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

1. The Upland Defendants' Motion to Dismiss and Motion for a More Definite Statement (Doc. No. 37) is **GRANTED IN PART AND DENIED IN PART**. Plaintiffs' fraud claim is **DISMISSED WITHOUT PREJUDICE** against Parker Ferguson, Edward Mitchell, and Leyland Hunter, and the fraud claim against Robert O'Connor is **DISMISSED** pursuant to the parties' agreement.

2. Catania's Motion to Strike (Doc. No. 38) is **DISMISSED AS MOOT**.

3. DELCORA's Motion to Dismiss (Doc. No. 41) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's Clean Water Act claim is **DISMISSED WITH PREJUDICE**.

4. Plaintiff's Motion for Leave to File a Third Amended Complaint (Doc. No. 44) is **DISMISSED**.

5. Plaintiffs shall file a Third Amended Complaint no later than **14 days** from the date of this Order that complies with the Court's memorandum opinion. Defendants shall answer or otherwise respond to the Third Amended Complaint no later than **21 days** from the date of its

filing. In the event that any Defendants move to dismiss the Third Amended Complaint, Plaintiffs shall file one brief, not to exceed thirty double-spaced pages, in response to all such motions to dismiss no later than **14 days** after the last motion to dismiss is filed.

6. Plaintiffs' request that Defendants be barred from moving to dismiss or to strike any portion of the Third Amended Complaint (Doc. No. 44) is **DENIED**.

7. Plaintiffs' Motion to Motion to Amend Clean Water Act Portion of Reply (Doc. No. 51) is **DISMISSED AS MOOT**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.