

5. Count II of Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** as to Defendant Collateral Adjustment Corporation pursuant to Fed. R. Civ. P. 12(b)(6);
6. Sections B, D, and E of Plaintiff's Prayer for Relief are **STRICKEN WITHOUT PREJUDICE** as to Defendant Collateral Adjustment Corporation pursuant to Fed. R. Civ. P. 12(f); and
7. Plaintiff is **GRANTED** leave to file an amended Complaint consistent with our Memorandum Opinion within fourteen (14) days of this Order.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE