

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

JOHN SIMMONS,

Plaintiff,

v.

SIMPSON HOUSE, INC., *et al.*,

Defendants.

CIVIL ACTION

No. 15-06636

ORDER

AND NOW, this 10th day of April, 2017, upon consideration of Kindred Hospital-South Philadelphia and Kindred Healthcare Inc.'s motion to dismiss, (ECF No. 82), and Plaintiff John Simmons's response, (ECF No. 83), it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part. Counts 5, 6, 12, 14 and 15 are **DISMISSED** without prejudice. Defendant's motion to dismiss Counts 11 and 13 is **DENIED**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.