

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

MICHAEL KELLY, on behalf of himself :
and all others similarly situated, :
Plaintiff, :
v. : CIVIL ACTION NO. 15-6668
BUSINESS INFORMATION GROUP, :
INC., :
Defendant :

ORDER

AND NOW, this 22nd day of December, 2016, following upon consideration of Defendant's Motion for Partial Judgment on the Pleadings (Doc. 38), Plaintiff's response in opposition (Doc. 42), and the Reply in Further Support of the motion (Doc. 44), and for the reasons set forth in the Court's Memorandum Opinion filed this date, **IT IS HEREBY ORDERED THAT** the motion is **GRANTED** and that Count Two of Plaintiff Michael Kelly's Complaint, brought pursuant to 15 U.S.C. §1681k, is hereby **DISMISSED**.

IT IS FURTHER ORDERED THAT, in light of this ruling, the parties may, if they wish, submit a supplemental additional brief of no more than 8 pages concerning Defendant's pending motion to strike class allegations (Doc. 39). Any such brief shall be filed on or before January 6, 2017.

BY THE COURT:

/s/ David R. Strawbridge, USMJ
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE