

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

SHAWN PATRICK O'LEARY	:	CIVIL ACTION
	:	
v.	:	
	:	
WEXFORD HEALTH SOURCES, INC., ET AL.	:	NO. 16-1393

ORDER

AND NOW, this 17th day of January, 2017, upon consideration of Defendants' "Motion to Dismiss Plaintiff's Amended Complaint" (Docket No. 17) and all documents filed in connection therewith, **IT IS HEREBY ORDERED** as follows:

1. The Motion to Dismiss is **GRANTED** as to Count I of the First Amended Complaint and Count I is **DISMISSED** without prejudice.
2. The Motion to Dismiss is **GRANTED** with respect to Plaintiff's request for an award of punitive damages on his state law medical malpractice claims and Plaintiff's request for punitive damages with respect to those claims is **DISMISSED** without prejudice.
3. The Motion to Dismiss is **DENIED** in all other respects.
4. Plaintiff may file a second amended complaint that cures the deficiencies in the First Amended Complaint no later than February 23, 2017.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.