

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

JAMES C. SIMON, ET AL.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 16-4540
THE FIRST LIBERTY	:	
INSURANCE CORPORATION	:	

**ORDER**

**AND NOW**, this 5<sup>th</sup> day of December, 2016, upon consideration of Defendant The First Liberty Insurance Corporation's Motion to Dismiss for Failure to State a Claim (ECF No. 8), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Defendant's Motion is **GRANTED**.
2. Count II is **DISMISSED**.
3. Plaintiff's request to amend the Complaint is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ R. Barclay Surrick  
U.S. District Judge