

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

JEREMY Z. MITTMAN, individually and  
as parent and natural guardian of JACOB  
MITTMAN, a minor,

*Plaintiffs,*

v.

NATIONWIDE AFFINITY INSURANCE  
COMPANY,

*Defendant.*

CIVIL ACTION  
NO. 16-04658

**ORDER**

**AND NOW**, this 10th day of April, 2017, upon consideration of Nationwide's Motion to Dismiss Count III (ECF No. 6), and Plaintiff Mittman's Response (ECF No. 7), it is hereby **ORDERED** that:

1. Nationwide's motion is **GRANTED**;
2. Count III of Mittman's Complaint is **DISMISSED without prejudice**;
3. Mittman shall file an amended complaint consistent with this opinion on or before **May 12, 2017**.

BY THE COURT:

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