

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

**CHRISTINE BERNSTEIN,
Plaintiff,**

CIVIL ACTION

v.

**KEAVENEY LEGAL GROUP,
JAMES P. KEAVENEY, ESQUIRE, and
JOSHUA THOMAS, ESQUIRE,
Defendants.**

NO. 16-5470

ORDER

AND NOW, this 17th day of May, 2017, upon consideration of Defendants, Keaveney Legal Group, James P. Keaveney, Esquire, and Joshua Thomas Esquire's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 14, filed February 21, 2017), Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 15, filed March 31, 2017), and Reply Brief of Defendants, Keaveney Legal Group, et al.'s in Support of Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 19, filed April 14, 2017), for the reasons set forth in the accompanying Memorandum dated May 17, 2017, **IT IS ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Defendants' Motion to Dismiss Count I is **DENIED** as to defendant, Keaveney Legal Group, and **GRANTED** as to the individual defendants;

2. Defendants' Motion to Dismiss Count II is **DENIED** with respect to the alleged misrepresentation relating to defendants' submission of an application for plaintiff's loan modification, and **GRANTED** in all other respects;

3. Defendants' Motion to Dismiss Count III is **GRANTED**;

4. Defendants' Motion to Dismiss Count IV is **DENIED**;

5. Defendants' Motion to Strike plaintiff's demand for punitive damages is **DENIED**;

6. Defendants' Motion to Strike plaintiff's demand for attorney fees under Counts II and IV is **GRANTED**.

This decision is **WITHOUT PREJUDICE** to plaintiffs' right to file and serve a second amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and the applicable law set forth in the accompanying Memorandum.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled in due course. Discovery may proceed in the interim.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.