

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

IN RE: : CIVIL ACTION
LINCOLN NATIONAL COI : No. 16-06605
LITIGATION :

ORDER

AND NOW, this 11th day of September, 2017, upon consideration of Defendants' motion to dismiss, (ECF No. 40), Plaintiffs' response, (ECF No. 44), and Defendants' reply, (ECF No. 47), it is hereby **ORDERED** that:

1. Defendants' motion to dismiss, (ECF No. 40), is **GRANTED** as to counts five, seven, and eleven. Plaintiffs may file an Amended Complaint with respect to counts seven and eleven on or before **September 25, 2017**.
2. Defendants' motion to dismiss is **DENIED** as to counts one, two, three, six, eight, nine, and ten.

BY THE COURT:

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