

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

OWEN HARTY	:	CIVIL ACTION
	:	NO. 17-493
v.	:	
	:	
KIMCO KML TRUST	:	

ORDER

AND NOW, this 27th day of July, 2017, it is ORDERED that, consistent with the accompanying memorandum of law:

1. defendant Kimco KML Trust's motion to dismiss pursuant to Federal Rule of Civil Procedure 4(m), Dkt. No. 2 is DENIED; and
2. plaintiff Owen Harty's consent motion for leave to amend complaint & amendment of caption, Dkt. No. 9, is GRANTED. The proposed first amended complaint attached to plaintiff's motion at Docket Number 9-1 is deemed filed as of the date of this Order. Plaintiff shall serve the amended complaint on defendants on or before August 4, 2017.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.