

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

**ARNOLD MACHLES,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**MCCABE, WEISBERG & CONWAY, P.C.,  
AND CIT BANK, N.A.,**  
**Defendants.**

**NO. 17-1015**

**ORDER**

**AND NOW**, this 7th day of November, 2017, upon consideration of Defendant McCabe, Weisberg & Conway, P.C.’s (“McCabe”) Motion to Dismiss (ECF No. 2), and the Plaintiff’s Response thereto (ECF No. 12), and CIT Bank, N.A.’s (“CIT”) Motion to Dismiss (ECF Nos. 14, 15, and 17), the Plaintiff’s Response thereto (ECF No. 18), and the Reply in support thereof (ECF No. 19), **IT IS HEREBY ORDERED** that:

- (1) McCabe’s motion to dismiss the Fair Debt Collection Practices Act (“FDCPA”) claim (Count I) and Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) claim (Count III) is **DENIED**;
- (2) CIT Bank, N.A.’s motion is **GRANTED**. Counts I, II, and III against CIT are **DISMISSED WITH PREJUDICE**.

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**