

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

<p>SSC MANAGER, LLC, d/b/a SeventySix Capital</p> <p style="text-align: center;">v.</p> <p>VENEZIA FC 1907 LP, VENEZIA FC 1907 GP, and VENEZIA F.C. S.R.L.D.</p>	<p>CIVIL ACTION</p> <p>NO. 17-1042</p>
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ORDER RE: MOTION TO DISMISS ANSWER, COUNTERCLAIM, AND THIRD PARTY COMPLAINT

AND NOW, this 27th day of July, 2017, having considered the Motions to Dismiss the Answer, Counterclaim, and Third Party Complaint (“ACC”) (ECF 10) of Defendants Ryan Howard, Jon Powell, SSC Manager, LLC (“SSC”), and Wayne Kimmel (ECF 22, 23), and all responses and replies thereto, and for the reasons explained in the foregoing memorandum, it is hereby ORDERED that:

1. Count I of the ACC is DISMISSED only as to the representation that SSC had the ability to fund the full remaining amount of the Series B round without raising any funds from investors or third parties, with leave to amend, but the Motion is otherwise DENIED as to Count I;
2. Count II of the ACC is DISMISSED, with prejudice;
3. Count III of the ACC is DISMISSED, only as to Kimmel, with prejudice, but the Motion is otherwise DENIED as to Count III;
4. Count IV of the ACC is DISMISSED, with leave to amend.
5. Any amendments must be made within fourteen (14) days.

BY THE COURT:

/s/ Wendy Beetlestone FOR:

Michael M. Baylson, U.S.D.J.