

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

<p>DAVID DIKE,</p> <p style="text-align:center">v.</p> <p>THE PENN INSURANCE AND ANNUITY COMPANY</p>	<p>CIVIL ACTION</p> <p>NO. 17-1410</p>
---	--

ORDER RE: MOTION TO DISMISS AMENDED COMPLAINT

AND NOW, having considered the Motion to Dismiss the Amended Complaint (ECF 9) of Defendant Penn Insurance and Annuity Company, and the response and reply thereto, and for the reasons explained in the foregoing memorandum, it is hereby ORDERED that:

1. Count I is DISMISSED, with prejudice;
2. Count II is DISMISSED, with prejudice;
3. Count III is DISMISSED, with prejudice;
4. Count IV is DISMISSED, without prejudice, with leave to amend.
5. Count V is DISMISSED, without prejudice, with leave to amend.
6. Any amendments must be made within fourteen (14) days.

BY THE COURT:

Dated: 1/10/2018

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