

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

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|--------------------|---|--------------|
| THOMAS GIULIANI | : | |
| | : | CIVIL ACTION |
| v. | : | |
| | : | NO. 17-1705 |
| POLYSCIENCES, INC. | : | |

ORDER

AND NOW, this 31st day of July, 2017, upon consideration of defendant Polysciences, Inc.'s motion to dismiss or, in the alternative, to strike, Dkt. No. 11, plaintiff Thomas Giuliani's response, Dkt. No. 12 and defendant's reply brief, Dkt. No. 13, it is hereby ORDERED that the motion is GRANTED IN PART and DENIED IN PART as follows:

1. Defendant's motion to strike is GRANTED and paragraphs 34–37, 39(g) and 41–44 are DISMISSED WITH PREJUDICE.
2. Defendant's motion to dismiss Counts I and II of the complaint is DENIED.
3. Defendant's motion to dismiss Count III of the complaint is GRANTED and this claim is DISMISSED WITH PREJUDICE.

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