

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

**WILMINGTON TRUST, NA, Successor
Trustee to Citibank, N.A., Trustee, in Trust
for Registered Hodlers of Bear Stearns
Asset Backed Securities 2007-SD2, Asset-
Backed Certificates, Series 2007-SD2,
Plaintiff,**

CIVIL ACTION

NO. 17-2322

v.

**ANGELO ADSON, and
STACEY L. JULYE,
Defendants/Third Party Plaintiffs,**

v.

**DR. BEN CARSON, Secretary of United
States Department of Housing and Urban
Development,
Third Party Defendant.**

ORDER

AND NOW, this 15th day of June, 2018, upon consideration of Third Party Defendant's Motion to Dismiss the Third Party Complaint (Document No. 8, filed July 31, 2017) and Defendants'/Third-Party Plaintiffs' (Angelo Adson and Stacey L. Julye) Response in Opposition to Third-Party Defendant's (Department of Housing and Urban Development or HUD) Motion to Dismiss pursuant to Fed. R. Civ. P. [12(b)(1) and] 12(b)(6) (Document Nos. 12 and 13, filed August 25, 2017), for the reasons stated in the accompanying Memorandum dated June 15, 2018, **IT IS ORDERED** that Third Party Defendant's Motion to Dismiss the Third Party Complaint is **GRANTED** as follows:

1. That part of Third Party Defendant's Motion to Dismiss seeking to dismiss third party plaintiffs' fraud claim in Count 2 of the Third Party Complaint is **GRANTED WITH PREJUDICE**;

2. That part of Third Party Defendant's Motion to Dismiss seeking to dismiss third party plaintiffs' breach of contract claim in Count 1 and breach of the covenant of good faith and fair dealing claim in Count 3 of the Third Party Complaint is **GRANTED WITHOUT PREJUDICE** to third party plaintiffs' right to refile those claims in the United States Court of Federal Claims within the time provided under the applicable rules;

IT IS FURTHER ORDERED that this case is **REMANDED** to the Court of Common Pleas of Delaware County for lack of federal jurisdiction.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** this case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.