

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

**JAMES CORMAN, ENERGY
ALTERNATIVE STUDIES, INC. AND
THE ENERGY ALTERNATIVE STUDIES
INC. HEALTH AND WELFARE PLAN,
Plaintiffs,**

v.

**THE NATIONWIDE LIFE INSURANCE
COMPANY,
Defendant.**

CIVIL ACTION

NO. 17-3912

ORDER

AND NOW, this 27th day of September, 2018, upon consideration of Defendant's Motion to Dismiss Plaintiffs' Complaint [ECF No. 10], Plaintiffs' Opposition to Defendant's Motion and Cross-Motion for Partial Summary Judgment [ECF No. 16], Defendant's Reply to Plaintiffs' Response to Motion to Dismiss and Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment [ECF No. 20], Plaintiffs' Reply in Further Support of their Cross-Motion and Surreply in Opposition to Defendant's Motion [ECF No. 22], and Defendant's Surreply Memorandum of Law in Further Opposition [ECF No. 25], **IT IS ORDERED** that:

- (1) Defendant's Motion to Dismiss is **GRANTED**; all claims in Plaintiffs' Complaint are **DISMISSED WITHOUT PREJUDICE**. Plaintiffs are given leave to file an Amended Complaint by **October 12, 2018**. If Plaintiffs fail to do so, the Complaint will be dismissed with prejudice.
- (2) Plaintiffs' Motion for Partial Summary Judgment is **DENIED**.

BY THE COURT:

/s/ **Wendy Beetlestone**

WENDY BEETLESTONE, J.