

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

ROSENBAUM & ASSOCIATES, P.C., *et al* : CIVIL ACTION
: :
: :
v. : : NO. 17-4250
: :
MORGAN & MORGAN, *et al* : :

ORDER

AND NOW, this 8th day of January 2018, upon considering Defendants' Motion to dismiss (ECF Doc. No. 32) the amended complaint (ECF Doc. No. 23), without a filed Opposition and following oral argument, it is **ORDERED** Defendants' Motion (ECF Doc. No. 32) is **GRANTED in part and DENIED in part**:

1. Defendants' Motion is **denied** as to alleged statements made in television commercials:

a. against Morgan & Morgan, John Morgan, Esquire and Scott Weinstein, Esquire relating to John Morgan's statement "I am your lawyer" shown in Philadelphia when he is not licensed to practice law in Pennsylvania, has never served as a lawyer in a Pennsylvania personal injury matter and allegedly has no interest in serving as a personal injury lawyer for clients in Pennsylvania;

b. against Morgan & Morgan and Scott Weinstein, Esquire relating to an unknown speaker on its behalf with one or more unidentified persons from the Morgan family on the screen stating "We're all here for you" and "Our family is here for your family" when

Morgan & Morgan did not then employ licensed Pennsylvania attorneys and the Morgan family members had no interest in serving as personal injury lawyers for clients in Pennsylvania;

c. against Morgan & Morgan and Scott Weinstein, Esquire relating to statement "you don't pay us unless we're successful" when Morgan & Morgan will not be involved in the success because it refers the personal injury claims to other Pennsylvania lawyers and had no interest in serving as personal injury lawyers for clients in Pennsylvania;

d. against Morgan & Morgan and Scott Weinstein, Esquire relating to an advertised written disclaimer of not being a referral service, as refined by Plaintiff's counsel at oral argument as alleging Morgan & Morgan automatically referring all or the vast majority of Pennsylvania personal injury cases called into its call service to another personal injury law firm who then represent the personal injury claimant in Pennsylvania without Morgan & Morgan's involvement or client consent to the referral;

2. Defendants' Motion is **granted** as to Plaintiff's remaining claims, including as to the personal liability of Attorneys Mike Morgan, Daniel Morgan, Matt Morgan and Ultima Morgan for these four statements as, after two attempts, the Plaintiff does not plead facts these individual Defendants actively participated in, authorized, directed or approved acts of unfair competition without prejudice for Plaintiff to file a second amended complaint consistent with today's pretrial Order if it obtains facts supporting amended claims under Fed. R. Civ. P. 11; and,

3. Defendants shall answer the amended complaint no later than **January 22, 2018**.



KEARNEY, J.