

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

STOUT STREET FUNDING LLC	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 10-5634
OTIS JOHNSON <i>a/k/a OTIS JOHNSON-</i>	:	
<i>DAVENPORT, ET AL.</i>	:	

**ORDER**

**AND NOW**, this   1<sup>st</sup>   day of   June  , 2012, upon consideration of Defendant Title Resources Guaranty Company's Motion to Dismiss (ECF No. 28), Plaintiff Stout Street Funding LLC's Motion for Default Judgment (ECF No. 60), and Defendants Otis Johnson, Mabstrack, LLC, and Mabstrack Management, LLC's Petition to Set Aside Entry of Default and Seeking Leave to File Answer (ECF No. 64), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Defendant Title Resources Guaranty Company's Motion to Dismiss (ECF No. 28) is **GRANTED** in part and **DENIED** in part.
  - A. The Motion is **GRANTED** as to Plaintiff's negligence claim (Count VIII). In all other respects the Motion is **DENIED**.
  
2. Plaintiff Stout Street Funding LLC's Motion for Default Judgment (ECF No. 60) is **DENIED** without prejudice to Plaintiff's refiling of the Motion in accordance with the accompanying Memorandum.

3. Defendants Otis Johnson, Mabstract, LLC, and Mabstract Management, LLC's Petition to Set Aside Entry of Default and Seeking Leave to File Answer (ECF No. 64) is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'R. Surrick', written over a horizontal line.

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**R. BARCLAY SURRICK, J.**