

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

CALVIN WATSON ET AL.

v.

NATIONWIDE MUTUAL INSURANCE
COMPANY

CIVIL ACTION

NO. 11-1762

ORDER

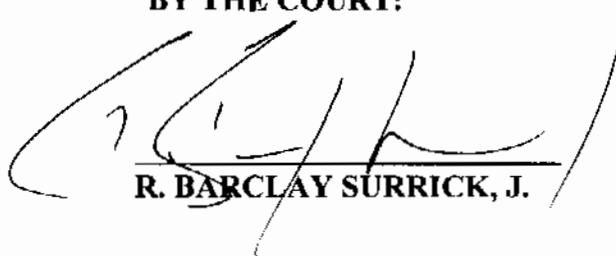
AND NOW, this 12th day of October, 2011, upon consideration of Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) and Strike Pursuant to Rule 12(f) (ECF No. 3), and all documents submitted in support thereof and in opposition thereto, it is

ORDERED as follows:

1. Defendant's Motion to Dismiss as to Plaintiff's bad faith claim in Count II of the Complaint is **DENIED**.
2. To the extent that Plaintiff claims punitive damages in Count I of the Complaint that claim is **DISMISSED**.
3. Plaintiff's claim for emotional distress damages in Count II of the Complaint is **DISMISSED**.
4. The bad faith claim in Count II of Plaintiff's Complaint based upon the Pennsylvania Unfair Insurance Practices Act is **DISMISSED**.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRECK, J.

Frederic C. Calvey
B. J. Foster
C. J. Spaldick 10/12/11