

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

ROBERT RIVARD and DOGLEG	:	
PROPERTIES, INC. <i>formerly known as</i>	:	
RIVARD POPCORN PRODUCTS, INC.,	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	NO. 12-4642
	:	
JERRY BELLO, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 27th day of March 2013, upon consideration of Defendants' Motion to Dismiss (Doc. No. 6) and the responses and replies thereto, and for the reasons stated in the accompanying Opinion, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part** as follows:

1. The Motion is **GRANTED** as to the fraud claim contained in Count III. Count III is **DISMISSED without prejudice** to Plaintiffs' right to amend the complaint to clarify the claim. Plaintiffs are granted leave to file an amended complaint **within 21 days** of the date of this Order.

2. The Motion is **DENIED** in all other respects.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.