

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

NEWMAN'S OWN ORGANICS – THE  
SECOND GENERATION,

Plaintiff,

v.

DONALD FINGERMAN,

Defendant and Third Party Plaintiff,

v.

GERALD LITWIN,

Third Party Defendant

CIVIL ACTION  
NO. 14-3205

**ORDER**

**AND NOW**, this 11th day of December, 2014, upon consideration of Defendant and Third Party Plaintiff's Motion to Dismiss pursuant to Fed.R.Civ. P. 12(b)(2) and 12(b)(6) or, in the alternative, for a More Definite Statement pursuant to Fed.R.Civ. P. 12(3) (Docket No. 6), Third Party Defendant's response thereto and Third Party Plaintiff's reply, as well as the affidavit submitted by Gerald Litwin, it is hereby **ORDERED** that Third Party Defendant's Motion to Dismiss for lack of jurisdiction is **GRANTED**. It is further **ORDERED** that Third Party Defendant Gerald Litwin is **DISMISSED** from this action.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
**Jeffrey L. Schmehl, J.**