

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

TIMOTHY S. RISTER,	:	
	:	No. 14-cv-5079
Plaintiff,	:	
v.	:	
	:	
COMMUNITY BANK OF ROWAN,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 21st day of September, 2015, upon consideration of Defendant Community Bank of Rowan’s (now Yadkin Bank), Rule 12(b)(2)(5)(6) Motion to Dismiss, Alternative Rule 12(e) Motion for More Definite Statement, and Rule 12(f) Motion to Strike Unliquidated Damages Amounts, ECF No. 7, Defendant’s Motion to Transfer Venue, ECF No. 8, and Plaintiff’s Motion to Enforce Settlement Agreement, ECF No. 21, and for the reasons set forth in the Memorandum Opinion issued this date, **IT IS HEREBY ORDERED** as follows:

1. Defendant’s Motion to Dismiss pursuant to Rule 12(b)(6), ECF No. 7, is **GRANTED**.
 - a. Counts One through Three and Counts Five through Seventeen of the Complaint are **DISMISSED WITH PREJUDICE**.
 - b. Count Four of the Complaint is **DISMISSED WITHOUT PREJUDICE**.
Plaintiff is permitted **LEAVE TO AMEND** his Complaint solely with respect to the claims raised in Count Four of the Complaint, in accordance with the accompanying Opinion. If Plaintiff chooses to file an amended complaint, he

must file the amended complaint within **twenty-one days** of the date of this Order.

2. Defendant's Motion for a More Definite Statement, ECF No. 7, is **DENIED AS MOOT**.
3. Defendant's Motion to Strike Unliquidated Damages, ECF No. 7, is **DENIED AS MOOT**.
4. Defendant's Motion to Transfer, ECF No. 8, is **DENIED**.
5. Plaintiff's Motion to Enforce Settlement Agreement, ECF No. 21, is **DENIED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge