



Judgment (Dkt. No. 60), Defendant William F. Brobst, Sr.'s Motion for Summary Judgment (Dkt. No. 71) and the Smith Defendants' First Motion for Summary Judgment (Dkt. No. 73) are **DENIED** as moot.

**IT IS FURTHER ORDERED** that Counts I, II, III and XV of the Amended Complaint are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Counts IX, XI, XIII and XIV of the Amended Complaint containing claims for intentional infliction of emotional distress, abuse of process, trespass and conversion pursuant to Pennsylvania law are **DISMISSED WITHOUT PREJUDICE** for Plaintiffs to raise them in an appropriate state court.

BY THE COURT:

*/s/ Henry S. Perkin*

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HENRY S. PERKIN

United States Magistrate Judge