

1. The motion to dismiss is **GRANTED** insofar as Defendant KWLTL, LLC seeks to dismiss the following averments from the Complaint: Count I (Negligence) - ¶ 28(a), (i), and (j) and Count IV (Survival) - ¶ 39(a), (i), and (j).
2. In all other respects, the motion to dismiss is **DENIED**.

IT IS FURTHER ORDERED that Defendant KWLTL, LLC shall have fourteen (14) days from the date of this Order to file an answer to Plaintiff's Complaint.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge