

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

MARTIN GROSS,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
	:	NO. 10-2380
R.T. REYNOLDS et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 28th day of February 2013, upon careful consideration of Defendants' Motion to Dismiss the Second Amended Complaint (Doc. No. 65) and Plaintiff's Response thereto (Doc. No. 69), **IT IS HEREBY ORDERED** that the Motion is **GRANTED**, as follows:

1. Count I of the Second Amended Complaint is dismissed, *with prejudice*;
2. Count II of the Second Amended Complaint is dismissed, *without prejudice*;
3. The Clerk of Court is directed to mark this case **CLOSED**.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.