

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

JOHN DOE,	:	CIVIL ACTION NO. 1:19-CV-2193
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 31st day of March, 2021, upon consideration of the motions (Docs. 26, 39) to dismiss plaintiff John Doe’s amended complaint (Doc. 25), filed by defendants Highmark Health Insurance¹ and the Commonwealth of Pennsylvania and its Department of Human Services, and the parties’ respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motions (Doc. 26, 39) to dismiss are GRANTED in part and DENIED in part as follows:
 - a. Highmark’s motion (Doc. 26) is GRANTED with prejudice as to Counts I, II, III, and V.
 - b. Highmark’s motion (Doc. 26) is DENIED as to Counts VIII and IX.
 - c. Commonwealth defendants’ motion (Doc. 39) is GRANTED as to Counts III, V, XIII, and XIV.

¹ Named insurance defendants include Highmark Health Insurance Company; HM Health Insurance Company; Highmark Health; Highmark, Inc.; Highmark Blue Cross Blue Shield; and/or Highmark (collectively, “Highmark”). (See Doc. 25 ¶ 14).

- d. Commonwealth defendants' motion (Doc. 39) is GRANTED without prejudice to Doe's right to amend as to Counts I, II, VII, VIII, and IX.
2. Doe's deadline for filing a second amended complaint is DEFERRED pending service on the Pennsylvania Employees Benefit Trust Fund defendants. Doe may file an omnibus amended complaint consistent with the accompanying memorandum and this order within 14 days of service upon the remaining defendants.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania