

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

JAMES GORDON,

Plaintiff,

v.

KYLE ROBBINS, et al.,

Defendants.

: Civil No. 1:23-CV-02149

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: (Chief Magistrate Judge Bloom)

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ORDER

AND NOW, on this 30th day of August 2024, upon consideration of Defendant BBL Fleet Company (“BBL Fleet”)’s motion to dismiss Count IV of Plaintiff James Gordon (“Plaintiff”)’s amended complaint (Doc. 5), filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and Plaintiff’s response thereto (Doc. 9), and in accordance with the accompanying Memorandum, IT IS HEREBY ORDERED THAT:

1. Defendant BBL Fleet’s motion (Doc. 5) is GRANTED, and Plaintiff’s negligent entrustment claim, asserted in Count IV of the amended complaint against Defendant BBL Fleet, is DISMISSED;
2. Plaintiff is GRANTED leave to file a second amended complaint;
3. Any second amended complaint shall be filed by Plaintiff **within**

- 21 days of the date of this Order; and
4. In the event that Plaintiff does not file a second amended complaint, or seek an extension of time in which to do so, within 21 days, then this action will proceed on Plaintiff's amended complaint, the operative pleading in this matter. (Doc. 2-1.)

s/ Daryl F. Bloom

Daryl F. Bloom

Chief United States Magistrate Judge