

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

TERRY L. SYPECK,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 3:12-CV-324

(JUDGE CAPUTO)

ORDER

NOW, this 15th day of June, 2012, **IT IS HEREBY ORDERED** that:

- (1) Defendant's motion to dismiss (Doc. 7) is **GRANTED in part** and **DENIED in part**. Count II of Plaintiff's amended complaint is **DISMISSED with prejudice**.
- (2) The matter is **REMANDED** to the Court of Common Pleas for Luzerne County, Pennsylvania.
- (3) The Clerk of Court is directed to mark this case as closed.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge