

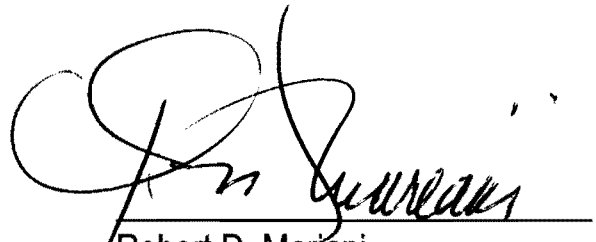
**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC YOST, individually and on	:	
behalf of a class of similarly situated	:	
individuals,	:	
	:	
	:	
Plaintiff,	:	
v.	:	3:16-CV-00079
	:	(JUDGE MARIANI)
ANTHEM LIFE INSURANCE	:	
COMPANY	:	
	:	
	:	
Defendant.	:	

ORDER

AND NOW, THIS 2ND DAY OF AUGUST, 2016, upon consideration of Defendant Anthem Life Insurance Company's Motion to Dismiss, (Doc. 7), and all accompanying briefs and exhibits filed in support and in opposition to the Motion, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion to Dismiss, (Doc. 7), is **GRANTED in part and DENIED in part.**
2. Defendant's Motion to Dismiss Count I of the Complaint is **DENIED.**
3. Defendant's Motion to Dismiss Count II of the Complaint is **GRANTED.**
Count II of the Complaint is **DISMISSED WITH PREJUDICE.**
4. Defendant's Motion to Dismiss Count III of the Complaint is **GRANTED.**
Count III of the Complaint is **DISMISSED WITH PREJUDICE.**

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge