

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

MARK RODRIGUES,

Plaintiff,

v.

MOTORWORLD AUTOMOTIVE
GROUP, INC., t/b/d/a MOTORWORLD et
al.,

Defendants.

CIVIL ACTION NO. 3:16-CV-1674

(JUDGE CAPUTO)

ORDER

NOW, this 17th day of March, 2017, **IT IS HEREBY ORDERED** that the Motion to Dismiss filed by Defendant William "Bill" Smith (Doc. 19) is **GRANTED in part and DENIED in part**.

- (1) Defendant Smith's Motion to Dismiss Count II is **DENIED**.
- (2) Defendant Smith's Motion to Dismiss Count III is **GRANTED**. Count III is **DISMISSED without prejudice** as to Defendant Smith. Plaintiff has **fourteen (14) days** from the date of entry of this Order to file an Amended Complaint to properly plead a PHRA claim against Defendant Smith; otherwise, the claim will be **dismissed with prejudice**.
- (3) Defendant Smith's Motion to Strike Plaintiff's request for punitive damages from Defendant Smith for claims brought under 42 U.S.C. § 1981 is **DENIED**.
- (4) The Court **STRIKES** Plaintiff's request for punitive damages for claims brought under the PHRA.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge