

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

THOMAS AND COLLEEN MEYERS,

Plaintiffs,

v.

PROTECTIVE INSURANCE
COMPANY

Defendant.

CIVIL ACTION NO. 3:16-CV-01821

(JUDGE CAPUTO)

ORDER

NOW, this 27th day of January, 2017, **IT IS HEREBY ORDERED** that:

- (1) Defendant's Motion to Dismiss (Doc. 3) is **GRANTED in part and DENIED in part**:
 - (a) All references to a fiduciary duty are to be stricken from the Complaint;
 - (b) Plaintiffs' bad faith claims are **DISMISSED without prejudice**; and
 - (c) Plaintiffs will be permitted to proceed on their loss of consortium claim.
- (2) Plaintiffs have **twenty-one (21) days** from the date of entry of this Order to file an Amended Complaint to properly plead their bad faith claims, and to remove all references to a fiduciary duty from the Complaint; otherwise, the bad faith claims will be **dismissed with prejudice**.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge