

THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

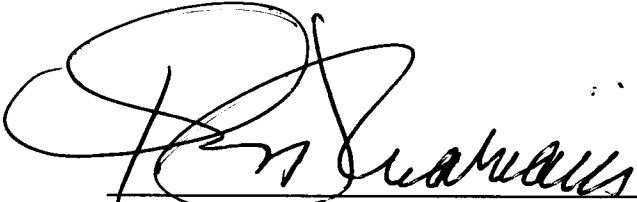
PAIGE BARNARD, Plaintiff, v. LIBERTY MUTUAL INSURANCE CORPORATION, et al. Defendants. 3:18-CV-1218 (JUDGE MARIANI)

ORDER

AND NOW, THIS 12th DAY OF DECEMBER, 2018, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 41) for clear error or manifest injustice, IT IS HEREBY ORDERED THAT:

- 1. The R&R (Doc. 41) is ADOPTED for the reasons set forth therein.
2. Defendant's Motion to Dismiss Counts I and II of Plaintiff's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 13) is GRANTED IN PART AND DENIED IN PART as follows:
a. Defendant's motion to dismiss Count I is DENIED.
b. Defendant's motion to dismiss Count II is GRANTED. Count II of Plaintiff's Amended Complaint is DISMISSED WITHOUT PREJUDICE.
3. Plaintiff is granted leave to file a Second Amended Complaint within 21 days of the date of this Order to address the pleading deficiencies identified in the R&R.

4. This action is **REMANDED** to Magistrate Judge Carlson for further pretrial proceedings in accordance with this Court's November 6, 2018 Order (Doc. 36).



Robert D. Mariani
United States District Judge