

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARLY F. NEALS, Individually and on )  
Behalf of All Others Similarly Situated, )

Plaintiff, )

v. )

MORTGAGE GUARANTEE )  
INSURANCE CORPORATION, )

Defendant. )

2:10cv1291

Electronic Mail

Judge Cercone

Magistrate Judge Mitchell

MEMORANDUM ORDER

AND NOW, this <sup>TS</sup> 18 day of May, 2011, after the defendant filed a motion to dismiss the amended complaint, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the parties were accorded fourteen days in which to file written objections thereto, and upon consideration of the objections filed by the parties, and their response to those objections, as well as the defendant's request for oral argument on its objections, and after independent review of the pleadings, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the defendant's motion to dismiss the amended complaint (Document No. 16) is granted as to Counts II and III and as to claims asserted under 42 U.S.C. §§ 3604(a) and 3605 in Count I, and denied in all other respects.

IT IS FURTHER ORDERED that the defendant's petition for oral argument on its objections (Document No. 30) is denied.

*DS Cercone*

David Stewart Cercone  
United States District Judge

cc: Adrian N. Roe, Esquire  
Michael D. Simon, Esquire  
Bruce E. Rende, Esquire  
Erin J. Dolfi, Esquire  
Jay N. Varon, Esquire  
Michael C. Lueder, Esquire

*(Via CM/ECF Electronic Mail)*