

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

LABMD, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 15-92
	)	
	)	Judge Mark R. Hornak
TIVERSA HOLDING CORP. <i>formerly</i>	)	Chief Magistrate Judge Maureen P. Kelly
<i>known as</i> TIVERSA, INC.; ROBERT J.	)	
BOBACK; M. ERIC JOHNSON; DOES	)	
1-10,	)	
Defendants.	)	

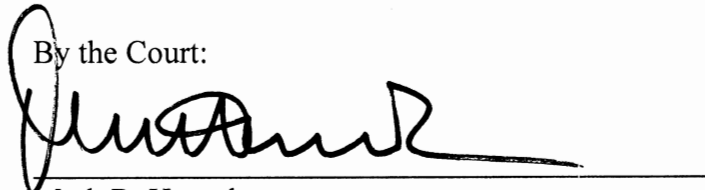
**ORDER**

AND NOW, this 23<sup>rd</sup> day of November, 2016, after Plaintiff LabMD, Inc. filed an Amended Complaint in the above-captioned matter (ECF No. 125) and after a Motion to Dismiss was filed by Defendants Tiversa Holding Corp., *formerly known as* Tiversa, Inc. and Robert J. Boback (“Defendants”) (ECF No. 137), and after a Report and Recommendation was filed by Chief United States Magistrate Judge Kelly (ECF No. 166), and upon consideration of the Objections filed by Defendants (ECF No. 169), Plaintiff’s Response in Opposition to those Objections (ECF No. 179), the Objections filed by Plaintiff (ECF No. 171), Defendants’ Response in Opposition to those Objections (ECF No. 177), and upon independent review of the record, and upon consideration of the Magistrate Judge’s Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss, ECF No. 137, is GRANTED as to Count II (as to Defamatory Statements 1-12, 14-15 and 17-20), Count III, Count IV, Count V, and Count VI and DENIED as to Count II (as to Defamatory Statements 13 and 16).

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak  
United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge

All Counsel of Record Via CM-ECF