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

ASSOCIATED BUILDERS AND CONTRACTORS, EASTERN PENNSYLVANIA CHAPTER, INC., VELLNIECE CONSTRUCTION, LLC, and JEANETTE TENNANT,	:	
Plaintiffs,	:	CIVIL ACTION NO. 18-3907
v.	:	
THE COLONIAL SCHOOL DISTRICT,	:	
Defendant.	:	

ORDER

AND NOW, this 25th day of April, 2019, after considering the plaintiffs' second amended complaint (Doc. No. 31), the defendant's motion to dismiss the second amended complaint for failure to state a claim and to strike scandalous allegations (Doc. No. 38), the plaintiffs' response in opposition (Doc. No. 42), the plaintiffs' supplemental response in opposition (Doc. No. 44), and the parties' arguments raised before the court during oral argument on the motion to dismiss on April 3, 2019; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The motion to dismiss the second amended complaint for failure to state a claim and to strike scandalous allegations (Doc. No. 38) is **GRANTED IN PART** and **DENIED IN PART** as follows:

   a. The motion to dismiss the second amended complaint for the failure to state a claim is **GRANTED** insofar as the defendant moved to dismiss Counts I, II, and IV of the second amended complaint, and those causes of action are **DISMISSED WITH PREJUDICE**;

b. The motion to dismiss Count III of the second amended complaint is **DENIED AS MOOT**; and

c. The motion to strike scandalous allegations is **DENIED**;

2. Count III of the second amended complaint is **DISMISSED WITHOUT PREJUDICE**; and

3. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.