

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. 18-3908
	:	
v.	:	
	:	
PLYMOUTH TOWNSHIP,	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 25th day of April, 2019, after considering the plaintiffs’ amended complaint (Doc. No. 30), the defendant’s motion to dismiss the amended complaint for failure to state a claim and to strike scandalous allegations (Doc. No. 32), the plaintiffs’ response in opposition (Doc. No. 39), the defendant’s reply in further support of the motion (Doc. No. 40), the plaintiffs’ supplemental response in opposition (Doc. No. 42), 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 amended complaint for failure to state a claim and to strike scandalous allegations (Doc. No. 32) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion to dismiss the 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 amended complaint, and those causes of action are **DISMISSED WITH PREJUDICE**;

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

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

2. Count III of the 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.