

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

**WILLIAM C. PEREZ and
FONDA PEREZ,**

Plaintiffs,

v.

**GEORGE BARDO, et al.,
Defendants.**

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CIVIL ACTION

No. 11-376

ORDER

AND NOW, this 17th day of **March, 2011**, upon consideration of Defendants' Motion to Dismiss, Plaintiffs' Response thereto, and for the reasons stated in this Court's Memorandum dated March 17, 2011, it is hereby **ORDERED** that:

1. Defendants' Motion to Dismiss (Document No. 8) is **GRANTED in part and DENIED in part**, as follows:
 - a. Defendants' Motion is **GRANTED** as to Plaintiffs' allegations of recklessness against Defendants Durgin, O'Connors Express, Inc., and Southern Tier Custom Fabricators. These claims are **DISMISSED without prejudice**.
 - b. Defendants' Motion is otherwise **DENIED**.
2. Plaintiffs shall file an Amended Complaint by April 4, 2011.

BY THE COURT:

Berle M. Schiller, J.