

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

MATTHEW SCHLEGEL and JENNIFER
SCHLEGEL, His Wife,

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 3:11-CV-2190

(JUDGE CAPUTO)

ORDER

NOW, this 10th day of February, 2012, **IT IS HEREBY ORDERED** that:

- (1) Defendant's Motion to Dismiss (Doc. 4) is **GRANTED**. Attorney fees will be stricken from Count I, and paragraphs 25 and 28 will be stricken from Count II as impermissible claims under Pennsylvania's Unfair Insurance Practice Act, 40 Pa. C.S.A. § 1171.1 *et seq.* Counts II and III will be dismissed for failure to state a claim.
- (2) Plaintiffs are given twenty-one (21) days from the date of this Order to submit an amended complaint as to Counts II and III.
- (3) Plaintiffs' Motion to Remand (Doc. 6) is **DENIED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge