

KEVIN R. KELLY,

Plaintiff,

v.

HECTOR V. BARRETO,
Administrator, United States Small
Business Administration,

Defendant.

Civil Action No. 05-0900 (PLF)

This matter is before the Court on plaintiff's motion for leave to file a first amended complaint and defendant's motion for judgment on the pleadings. Upon consideration of the arguments of the parties, it is hereby

FURTHER ORDERED that defendant's motion for judgment on the pleadings [9] is GRANTED in part and DENIED in part, and that Counts I, II, and III of plaintiff's first amended complaint are DISMISSED without prejudice.

An Opinion explaining the reasoning underlying this Amended Order will issue
this same day.

SO ORDERED.

_____/s/_____
PAUL L. FRIEDMAN
United States District Judge

DATE: September 5, 2006