

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

HOLLY LLOYD,

*Plaintiff,*

vs.

COVANTA PLYMOUTH RENEWABLE ENERGY,  
LLC,

*Defendant.*

**No. 2:20-cv-4330-HB**

[Electronically filed]

JUDGE HARVEY BARTLE III

**ORAL ARGUMENT  
REQUESTED**

**DEFENDANT'S PARTIAL MOTION TO DISMISS AND STRIKE**

**FLORIO PERRUCCI STEINHARDT  
CAPPELLI TIPTON & TAYLOR LLC**

Robert M. Donchez ID No: 209505

Robert Freedberg, ID No: 7855

60 West Broad Street, Suite 102

Bethlehem, PA 18018

(610) 691-7900

[rdonchez@floriolaw.com](mailto:rdonchez@floriolaw.com)

[rfreedberg@floriolaw.com](mailto:rfreedberg@floriolaw.com)

**BEVERIDGE & DIAMOND, P.C.**

Michael G. Murphy (*pro hac vice* to be filed)

477 Madison Avenue, 15th Floor

New York, New York 10022

(212) 702-5400

[mmurphy@bdlaw.com](mailto:mmurphy@bdlaw.com)

James B. Slaughter (*pro hac vice* to be filed)

1350 I Street, N.W., Suite 700

Washington, DC 20005

(202) 789-6000

[jslaughter@bdlaw.com](mailto:jslaughter@bdlaw.com)

Collin Gannon (*pro hac vice* to be filed)

201 North Charles Street, Ste 2210

Baltimore, MD 21201-4150

(410) 230-1300

[cgannon@bdlaw.com](mailto:cgannon@bdlaw.com)

*Attorneys for Defendant Covanta Plymouth Renewable Energy, LLC*

November 9, 2020

**PLEASE TAKE NOTICE** that Defendant Covanta Plymouth Renewable Energy, LLC, hereby moves under Federal Rules of Civil Procedure 12(b)(6) and 12(f) to partially dismiss the complaint of Plaintiff in this action and extend its time to answer the remaining claims in Plaintiff's Complaint. Specifically, Defendant moves to dismiss Plaintiff's negligence claim, and to dismiss and strike Plaintiff's demands for punitive damages and injunctive relief. In support of its motion, Defendant incorporates by reference its memorandum of law in support.

Defendant requests that the Court permit oral argument.

Dated: November 9, 2020

Respectfully submitted:

BY: /s/ Robert M. Donchez

BY: /s/ Collin Gannon

**FLORIO PERRUCCI STEINHARDT  
CAPPELLI TIPTON & TAYLOR LLC**

Robert M. Donchez ID No: 209505  
Robert Freedberg, ID No: 7855  
60 West Broad Street, Suite 102  
Bethlehem, PA 18018  
(610) 691-7900  
[rdonchez@floriolaw.com](mailto:rdonchez@floriolaw.com)  
[rfreedberg@floriolaw.com](mailto:rfreedberg@floriolaw.com)

**BEVERIDGE & DIAMOND, P.C.**

Michael G. Murphy (*pro hac vice* to be filed)  
477 Madison Avenue, 15th Floor  
New York, New York 10022  
(212) 702-5400  
[mmurphy@bdlaw.com](mailto:mmurphy@bdlaw.com)

James B. Slaughter (*pro hac vice* to be filed)  
1350 I Street, N.W., Suite 700  
Washington, DC 20005  
(202) 789-6000  
[jslaughter@bdlaw.com](mailto:jslaughter@bdlaw.com)

Collin Gannon (*pro hac vice* to be filed)  
201 North Charles Street, Ste 2210  
Baltimore, MD 21201-4150  
(410) 230-1300  
[cgannon@bdlaw.com](mailto:cannon@bdlaw.com)

*Attorneys for Defendant Covanta Plymouth Renewable Energy, LLC*