

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

PATRICK LINDERMAN,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:17-cv-01120
	:	
READING TRUCK BODY, LLC,	:	
Defendant.	:	

ORDER

AND NOW, this 29th day of September, 2017, upon consideration of Defendant’s partial Motion to Dismiss Plaintiff’s Amended Complaint, Plaintiff’s Response thereto, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:** the Motion to Dismiss, ECF No. 9, is **DENIED in part** and **GRANTED in part** as follows:

1. Defendant’s motion to dismiss the FMLA retaliation claim in Count I is **GRANTED**, and Count I is **DISMISSED with prejudice**.
2. Defendant’s motion to dismiss the ADA claim in Count II and the PHRA claim in Count IV is **GRANTED in part** only to the extent that these counts may have included an independent claim for failure to engage in the interactive process.
3. Defendant’s motion to dismiss any request for punitive damages and non-pecuniary compensatory damages in Count I is **DENIED as moot**.
4. Defendant’s motion to dismiss any request for punitive damages in Counts IV and V is **GRANTED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr. _____
JOSEPH F. LEESON, JR.
United States District Court