

NOT INTENDED FOR PUBLICATION IN THE OFFICIAL REPORTERS

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA****LEWIS LIPNICK,**

Plaintiff,

v.

**UNITED AIR LINES, INC., et al.,**

Defendants.

Civil Action No. 12-cv-1277 (RLW)

**MEMORANDUM OPINION AND ORDER**

Plaintiff Lewis Lipnick (“Lipnick”), a bassoon and contrabassoon player in the National Symphony Orchestra, brings this lawsuit against Defendants United Air Lines, Inc. (“United”) and Deutsche Lufthansa AG (“Lufthansa”) for injuries he alleges he sustained while transporting his newly-purchased contraforte (a type of contrabassoon) down an escalator at the Munich Airport in September 2010.

This matter is before the Court on United’s Motion to Dismiss (Dkt. No. 6), through which United seeks to dismiss Lipnick’s second claim for relief for negligence under Federal Rule of Civil Procedure 12(b)(6). Lufthansa has joined in United’s Motion. (Dkt. No. 8). On October 16, 2012, Lipnick filed his response to United’s Motion, indicating that he consents to the dismissal of his negligence claim and does not oppose United’s Motion. Thus, it is hereby,

**ORDERED** that United’s motion is hereby **GRANTED** and Lipnick’s second claim for relief is hereby **DISMISSED** with prejudice; and it is,

**FURTHER ORDERED** that the hearing on United’s Motion set for December 10, 2012, at 11:30 A.M. in Courtroom 27A, shall be converted to a Scheduling Conference. By no later

than December 3, 2012, the parties shall file their Report of Parties' Planning Meeting, pursuant to Federal Rule of Civil Procedure 26(f) and Local Civil Rule 16.3.

SO ORDERED.

Date: November 1, 2012



Digitally signed by Judge Robert L. Wilkins  
DN: cn=Judge Robert L. Wilkins,  
o=U.S. District Court, ou=Chambers  
of Honorable Robert L. Wilkins,  
email=RW@dc.uscourts.gov, c=US  
Date: 2012.10.31 18:41:37 -0400

---

ROBERT L. WILKINS  
United States District Judge