

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

D.E. BOSWELL	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
CSX TRANSPORTATION, INC., et al.	:	NO. 05-1653

**O R D E R**

AND NOW, this 18th day of January 2011, upon consideration of the defendants' Motion for Summary Judgment and the response thereto, IT IS ORDERED:

That the motion is DENIED.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.