

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

MIGUEL A. ALERS and	:	CIVIL ACTION
DENISE SZUSTOWICZ	:	
	:	
Plaintiffs,	:	NO. 08-4745
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 26th day of August, 2009, it is hereby **ORDERED** that:

1. Defendants’ Motion to Withdraw Deemed Admissions (Doc. No. 21) is GRANTED.
2. Plaintiff’s Cross-Motion [sic] for Summary Judgment (Doc. No. 20) is DENIED.
3. Defendants’ Motion to Dismiss in Part (Docket No. 19) is GRANTED IN PART and DENIED IN PART, WITHOUT PREJUDICE, as follows:
 - a. Count I is dismissed as to Plaintiff Szustowicz;
 - b. Count V is dismissed; and
 - c. Count VI is dismissed as follows:
 - (i) Pennsylvania Minimum Wage Act claim is dismissed except as to Plaintiff Alers against Defendants Seaborough and Brown, and
 - (ii) Emotional Distress [sic] claim is dismissed.
4. Plaintiffs are GRANTED LEAVE to file a Second Amended Complaint within

seven days of the date of this order to re-assert dismissed claims and/or clarify remaining claims. There will be no further opportunity for Plaintiffs to amend and no extension of this deadline.

5. Defendants shall file a responsive pleading within twenty days of the service of any Second Amended Complaint.

The parties are strongly cautioned to heed footnote 1 of the Court's accompanying Memorandum.

BY THE COURT:

/s/ C. Darnell Jones II

C. DARNELL JONES II, J.