

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

---

**SUSAN FRATTAROLA, et al.,  
Plaintiffs,**

v.

**MERCY HEALTH SYSTEM OF  
SOUTHEASTERN PENNSYLVANIA, et al.,  
Defendants.**

---

**CIVIL NO. 09-cv-5533**

**ORDER**

**AND NOW**, this 8th day of September 2011, upon consideration of this Court's attached Memorandum Opinion and Order, and for the reasons stated therein and hereby incorporated, it is hereby **ORDERED**:

- 1) Defendants' Motion to Dismiss is **GRANTED** [doc. no. 146]; and
- 2) In view of the dismissal, the following motions are **DENIED AS MOOT**
  - a) Plaintiffs' Motion for Expedited Collective Action Notification [doc. no. 114];<sup>1</sup> and,
  - b) Plaintiffs' Motion for Expedited Hearing on Plaintiffs' Motion for Expedited Notice to Affected Employees [doc. no. 117]; and,
  - c) Plaintiffs' Motion to Stay Non-FLSA claims [doc. no. 150].
- 3) The Plaintiffs' request for leave to amend is **GRANTED**. The plaintiffs have thirty days to file a second amended complaint

It is so **ORDERED**.

**BY THE COURT:**

/s/ **Cynthia M. Rufe**

---

**CYNTHIA M. RUFÉ, J.**

---

<sup>1</sup>This motion was improperly docketed as a "Motion to Certify."