

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

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**JOHN DUNCHESKIE, et al.,**  
**Plaintiffs,**

v.

**TEMPLE UNIVERSITY HEALTH SYSTEM,**  
**INC., et al.,**  
**Defendants.**

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**CIVIL NO. 09-5551**

**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 [doc. no. 192] is **GRANTED**:
- 2) In view of the dismissal, the following motions are **DENIED AS MOOT**:
  - a) Plaintiffs' Motion for Expedited Collective Action Notification [doc. no. 165];<sup>1</sup> and,
  - b) Plaintiffs' Motion for Expedited Hearing on Plaintiffs' Motion for Expedited Notice to Affected Employees [doc. no. 168]; and,
  - c) Plaintiffs' Motion to Stay Non-FLSA claims [doc. no. 196]; and
  - d) Defendants' Motion to Strike Affidavit in Support of Motion [doc. no. 177].
- 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.

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