

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

<b>DONALD C. CLARK,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>NO. 10-4063</b>
	:	
<b>KRAFT FOODS, INC.,</b>	:	
<b>Defendant.</b>	:	

**ORDER**

**AND NOW**, this 28th day of October, 2011, upon consideration of Defendant's Motion for Summary Judgment (Document No. 12, filed September 9, 2011), Plaintiff's Answer to Defendant's Motion for Summary Judgment (Document No. 16, filed October 7, 2011), Plaintiff's Appendix in Opposition to Defendant's Motion for Summary Judgment (Document No. 17, filed October 14, 2011), Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment (Corrected) (Document No. 18, filed October 17, 2011), and Defendant's Reply in Further Support of Summary Judgment (Document No. 19, filed October 19, 2011), **IT IS ORDERED** that Defendant's Motion for Summary Judgment is **DENIED**.

**BY THE COURT:**

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/s/ **Hon. Jan E. DuBois**  
**JAN E. DUBOIS, J.**