

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

DAVID PICARIELLO AND MELISSA	:	CIVIL ACTION
PICARIELLO, H/W,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
SAFWAY SERVICES, LLC,	:	NO. 11-5130
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 27<sup>th</sup> day of *August*, 2012, upon consideration of Defendant Safway Services, LLC’s Motion for Summary Judgment (Docket No. 14) and Motion to Preclude Expert Testimony of Plaintiffs’ Expert Matthew Burkart (Docket No. 15), and Plaintiffs David Picariello and Melissa Picariello’s Responses in Opposition (Docket Nos. 16 & 17), it is hereby **ORDERED** that Defendant’s Motion for Summary Judgment and Motion to Preclude Expert Testimony of Plaintiffs’ Expert Matthew Burkart are **DENIED**.

A **PRETRIAL CONFERENCE** is scheduled for Wednesday, September 19, 2012 at 2:00 p.m. in the chambers of the undersigned.

BY THE COURT:

s/ *Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.