

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

JOSEPH BERGAN,	:
	:
Plaintiff,	:
	:
v.	:
	:
UNITED STATES OF AMERICA,	:
et al.,	:
	:
Defendants.	:

ORDER

AND NOW, this 26th day of September 2013, upon consideration of defendant's motion for summary judgment (Doc. No. 38), plaintiff's response thereto (Doc. No. 40) and defendant's reply (Doc. No. 45), it is **HERBY ORDERED** that defendant's motion for summary judgment (Doc. No. 38) is **DENIED**.

BY THE COURT

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.