

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

OLIVIA DRAKE, on behalf of herself and those	:		:
similarly situated	:	CIVIL ACTION	:
	:		:
Plaintiff,	:		:
	:		:
v.	:		:
	:		:
HYUNDAI ROTEM USA, CORP.	:	NO. 13-0868	:
	:		:
Defendant.	:		:

ORDER

AND NOW, this 28th day of *August*, 2013, upon consideration of Defendant Hyundai Rotem USA, Corp.’s Motion to Dismiss (Docket No. 11), Plaintiff Olivia Drake’s Response in Opposition (Docket No. 12), and Defendant’s Reply Brief (Docket No. 13), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Count II of the Amended Complaint is **DISMISSED WITH PREJUDICE**.
2. The Motion is **DENIED** as to Count I.
3. The Motion is **DENIED** as to Plaintiffs’ Class and Collective Action claims.

BY THE COURT:

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