

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

DAVID M. ELBAUM : CIVIL ACTION  
 :  
v. :  
 :  
THOMAS JEFFERSON UNIVERSITY :  
HOSPITALS, INC. : NO. 13-1538

ORDER

AND NOW, this 3d day of December, 2013, upon consideration of plaintiff Dr. David M. Elbaum's amended complaint, defendant Thomas Jefferson University Hospital's motion to dismiss (docket entry # 10), the plaintiff's response in opposition thereto, the defendant's motion for leave to file a reply to that response (docket entry # 13), and the plaintiff's motion for leave to file a sur-reply (docket entry # 14), and based on the analysis set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. Defendant Thomas Jefferson University Hospital's motion to dismiss Dr. Elbaum's amended complaint (docket entry # 10) is GRANTED IN PART, as follows:

a. Insofar as the motion to dismiss addresses the question of when Dr. Elbaum began accruing vesting years, the motion is GRANTED; and

b. In all other respects, the motion is DENIED;

2. Defendant's motion for leave to file a reply brief (docket entry # 13) is GRANTED;

3. The plaintiff's motion for leave to file a sur-reply (docket entry # 14) is GRANTED;

4. The case is REFERRED to arbitration to resolve the balance of the dispute; and

5. Pending the outcome of the arbitration, the Clerk shall TRANSFER this action to our Civil Suspense docket, and on the first business day of each calendar quarter the parties shall SUBMIT to the Court a joint report as to the progress of the arbitration.

BY THE COURT:

/S/ Stewart Dalzell, J.  
Stewart Dalzell, J.