

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

VINCENT DANAO	:	
	:	CIVIL ACTION
	:	
Plaintiff,	:	
v.	:	
	:	NO. 14-6621
ABM JANITORIAL SERVICES	:	
AND LOCAL 32BJ SEIU	:	
	:	
Defendants.	:	

ORDER

AND NOW, this *18th* day of *May*, 2015, upon consideration of **(1)** the Motion by Defendant Local 32BJ SEIU (the “Union”) to Dismiss (Docket No. 10), Plaintiff Vincent Danao’s Response (Docket No. 15), and the Union’s Reply Brief (Docket No. 18); and **(2)** the Motion by Defendant ABM Janitorial Services (“ABM”) to Dismiss and to Strike (Docket No. 9), Plaintiff’s Response (Docket No. 16), and ABM’s Reply Brief (Docket No. 17), it is hereby **ORDERED** as follows:

1. Defendant Union’s Motion to Dismiss is **GRANTED IN PART WITHOUT PREJUDICE** to Plaintiff’s leave to file an amended complaint within twenty (20) days from the date of this Order, correcting the deficiencies identified in the Court’s Memorandum.
2. Defendant ABM’s Motion to Dismiss and to Strike is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Plaintiff’s claim for religious discrimination in Count I is **DISMISSED WITH PREJUDICE**;
 - b. Plaintiff’s claim for religious discrimination in violation of the PHRA in Count V is **DISMISSED WITH PREJUDICE**;

- c. Plaintiff's claim under the Americans With Disabilities Act in Count II is **DISMISSED WITH PREJUDICE** to the extent Plaintiff alleges disability based on either his stress, anxiety, and/or depression conditions, or on his neck and back injuries;
- d. To the extent Plaintiff premises any claim on EEOC Charges filed in 2007 or 2009, those claims are **DISMISSED WITH PREJUDICE**;
- e. Plaintiffs claim for wrongful discharge in Count VI is **DISMISSED WITH PREJUDICE**; and
- f. Defendant ABM's Motion to Strike is **GRANTED** with respect to Complaint Paragraphs 30, 56, and 6, to the extent Paragraph 6 references disability due to stress, anxiety, and depression; ABM's Motion to Strike is **DENIED** in all other respects.

It is so **ORDERED**.

BY THE COURT:

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