

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

JAMERE MONTGOMERY,

Plaintiff,

v.

LABORERS DISTRICT COUNCIL OF
PHILADELPHIA AND VICINITY, *et al.*,

Defendants.

CIVIL ACTION
NO. 15-02815

ORDER

AND NOW, this 27th day of July, 2015, upon consideration of Defendants' motion to dismiss (ECF No. 7), Plaintiff's opposition thereto (ECF No. 8), Defendants' reply (ECF No. 9), and Plaintiff's surreply (ECF No. 11), it is hereby **ORDERED** that the motion is **DENIED IN PART** and **GRANTED IN PART**. It is **FURTHER ORDERED** that:

1. Defendants' motion to dismiss the complaint against the Laborers' District Council of Philadelphia and Vicinity, Laborers Local 332, Samuel Staten, Jr., and Cory Robinson pursuant to Rule 12(b)(6) is **DENIED**;
2. Defendants' motion to dismiss the complaint against Ryan N. Boyer pursuant to Rule 12(b)(6) is **GRANTED**; and
3. Plaintiff's claims against all Defendants pursuant to Sections 101(a)(5) and 609 of the Labor Management Reporting and Disclosure Act, 29 U.S.C. §§ 411(a)(5), 529, are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.