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

CIVIL A CTION
CIVIL ACTION
No. 16-3813

ORDER

AND NOW, this 12th day of January, 2017, upon consideration of Defendant's Motion

to Dismiss (Docket No. 17), Defendant's Motion to Exclude the Expert Report, Testimony, and

Opinions of Warren Jones (Docket No. 22), responses thereto, and oral argument held on

December 12, 2016, it is hereby ORDERED that

- 1. Defendant's Motion to Dismiss (Docket No. 17) is **DENIED**;
- 2. Defendant's Motion to Exclude the Expert Report, Testimony, and Opinions of

Warren Jones (Docket No. 22) is **DEEMED MOOT**.

BY THE COURT:

<u>S/Gene E.K. Pratter</u> GENE E.K. PRATTER United States District Judge