

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

**MARIA GARCIA DIXON,
Plaintiff,**

CIVIL ACTION

v.

**AMERIHEALTH ADMINISTRATORS,
Defendant.**

NO. 17-1520

ORDER

AND NOW, this 26th day of July, 2017, upon consideration of Defendant Amerihealth Administrators' Motion to Dismiss Plaintiff's First Amended Complaint (Doc. No. 9, filed June 30, 2017) and Plaintiff's Response to Defendant's Motion to Dismiss Amended Complaint (Doc. No. 10, filed July 14, 2017), for the reasons set forth in the accompanying Memorandum dated July 26, 2017, **IT IS ORDERED** that defendant's Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendant's Motion seeking dismissal of plaintiff's claims for disparate treatment discrimination and retaliation under 42 U.S.C. § 1981 and the Pennsylvania Human Relations Act ("PHRA") is **DENIED**; and

2. That part of defendant's Motion seeking dismissal of plaintiff's claims for harassment under § 1981 and the PHRA is **GRANTED** and those claims are **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to file and serve a second amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and the applicable law set forth in the accompanying Memorandum.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled
in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.