

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


JOHN FLEET : CIVIL ACTION  
: :  
: :  
v. : NO. 17-3562  
: :  
CSX INTERMODAL, INC., et al. : :

FILED  
DEC 20 2017  
KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

ORDER

AND NOW, this 20<sup>th</sup> day of December 2017, upon considering Defendant Lowe’s Motion to dismiss the amended complaint (ECF Doc. No. 14), Plaintiff’s Response (ECF Doc. No. 21), Plaintiff’s Motion for leave to amend to supplement inadvertent omissions (ECF Doc. No. 22) and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Defendant Lowe’s Motion to dismiss (ECF Doc. No. 14) is **GRANTED**:
  - a. **with prejudice** as to Mr. Fleet’s Title VII and Section 955(a) claims against Defendant Lowe;
  - b. **without prejudice** as to Mr. Fleet’s claims against Defendant Lowe under Section 1981, the Family and Medical Leave Act, Section 955 (d) and (e) of the Pennsylvania Human Relations Act and Section 9-1103 of the Philadelphia Fair Practices Ordinance with leave for Plaintiff to file a second amended complaint no later than **January 4, 2018** addressing, if possible under Fed. R. Civ. P. 11, the identified deficiencies in his remaining claims against Defendant Lowe and supplementing under his Motion for leave (ECF Doc. No. 22); and,
2. Plaintiff’s Motion to amend (ECF Doc. No. 22) is **DENIED as moot**.

  
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KEARNEY, J.