

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

<p>TYRALL McGLOTTEN, <i>Plaintiff,</i></p> <p style="text-align:center">v.</p> <p>OMNIMAX INTERNATIONAL, INC., et al., <i>Defendants.</i></p>	<p style="text-align:center">CIVIL ACTION NO. 2:21-cv-03998-MMB</p>
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ORDER RE MOTION FOR SUMMARY JUDGMENT

AND NOW, this 22nd day of February 2023, upon consideration of Defendants' Motion for Summary Judgment (ECF 25), Plaintiff's Response (ECF 26) and Supplemental Briefing (ECF 44), Defendants' Reply (ECF 27) and Supplemental Briefing (ECF 45), and oral argument heard by the Court on December 8, 2022, for the reasons set forth in the accompanying Memorandum of Decision the Court GRANTS IN PART and DENIES IN PART Defendants' Motion (ECF 25).

It is **ORDERED**:

1. Defendants' Motion is GRANTED as to Count 3 and its identical state law claim.
2. Defendants' Motion is DENIED as to Counts 1 and 2 and their identical state law claims.

BY THE COURT:

/s/ **MICHAEL M. BAYLSON**

MICHAEL M. BAYLSON
United States District Judge