

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

ZACK K. DE PIERO,
Plaintiff,

CIVIL ACTION

v.

PENNSYLVANIA STATE UNIVERSITY,
***et al.*,**

NO. 23-2281

Defendants.

ORDER

AND NOW, this 6th day of March, 2025, upon consideration of Defendants' Motion for Summary Judgment (ECF No. 52) and all responses and replies thereto (ECF Nos. 56-58), **IT IS HEREBY ORDERED** as follows:

1. Defendants' Motion is **GRANTED** with respect to Plaintiff's hostile work environment claim under Title VII, 42 U.S.C. § 2000d *et seq.*; 42 U.S.C. § 1981; and, the Pennsylvania Human Relations Act, 43 Pa. C.S. § 951 *et seq.*; and,
2. Plaintiff is **HEREBY ON NOTICE** that this Court is considering granting summary judgment *sua sponte* in Defendants' favor on the Title VII and PHRA retaliation claims pleaded in the Amended Complaint. As the adverse party, Plaintiff may present relevant evidence and arguments in opposition in the form of a ten-page brief **on or before March 20, 2025**, and Defendants may file a reply brief of the same length **on or before March 27, 2025**.¹

BY THE COURT:

S/ WENDY BEETLESTONE

WENDY BEETLESTONE, J.

¹ “[A]uthority has developed to allow a court to grant summary judgment” *sua sponte* even in the absence of any motion filed by a party. *Chambers Dev. Co. v. Passaic Cty. Utils. Auth.*, 62 F.3d 582, 584 n.5 (3d Cir. 1995); *see also DL Res., Inc. v. FirstEnergy Sols. Corp.*, 506 F.3d 209, 223 (3d Cir. 2007) (“District courts may grant summary judgment *sua sponte* in appropriate circumstances.”). In such cases, courts are required to provide notice to the party against whom summary judgment would be granted that a *sua sponte* decision is under consideration and provide that party “with an opportunity to present relevant evidence in opposition.” *Chambers Dev. Co.*, 62 F.3d at 584 n.5.