

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

JAMES LYNCH,

*Plaintiff,*

v.

TASTY BAKING COMPANY d/b/a TASTY  
CAKE, et al.,

*Defendants.*

CIVIL ACTION  
NO. 23-4445

**ORDER**

**AND NOW**, this 5th day of June 2024, upon consideration of Defendants' Motion to Dismiss James Lynch's Amended Complaint (ECF No. 15), Lynch's Response (ECF No. 18), and Defendants' Reply (ECF No. 19), it is hereby **ORDERED** that Defendants' Motion is **GRANTED** in part and **DENIED** in part. It is further **ORDERED** that:

1. Defendants' Motion to Dismiss Counts I, II, VI and IX claiming race discrimination against Tasty Cake is **DENIED**.
2. Defendants' Motion to Dismiss Counts I and II claiming hostile work environment is **GRANTED** and the claims are **DISMISSED** with prejudice.
3. Defendants' Motion to Dismiss Counts I, III, VII and X claiming race, disability and gender retaliation is **DENIED**.
4. Defendants' Motion to Dismiss Counts IV, VI and IX claiming disability discrimination and failure to accommodate is **DENIED**.
5. Defendants' Motion to Dismiss Count V claiming disability retaliation is **DENIED**.

6. Defendants' Motion to Dismiss Counts I, VII, VIII, X and XI against Amber Beattie, Jack Garrett, Christine Johnston and Hayley Angeline is **GRANTED** and the claims are **DISMISSED** with prejudice.

BY THE COURT:

*/s/ Gerald J. Pappert*

Gerald J. Pappert, J.