

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

RODNEY DAY and KEITH BOWLES, Plaintiff, v. SEARS, Defendant.	CIVIL ACTION No. 12-cv-6474
---	--

ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

AND NOW, this 15th day of January 2014, upon consideration of Defendant's Motion for Summary Judgment (ECF 15), Plaintiffs' Response in Opposition (ECF 17), Defendant's Reply to Plaintiff's Response (ECF 18), Plaintiffs' Memorandum of Law in Opposition to Defendant's Reply Brief (ECF 23), Defendant's Response to Plaintiffs' Memorandum in Opposition to Defendant's Reply Brief (ECF 24), and after holding oral argument on November 26, 2013, it is hereby **ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ **Michael M. Baylson**

MICHAEL M. BAYLSON, U.S.D.J.

O:\CIVIL 12\12-6474 day v. sears\Order Denying D's Mot SJ.docx