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

M. GARCIA, et al., : CIVIL ACTION

Plaintiffs :

:

vs. : NO. 13-6316

:

WILLIAM NUNN, et al.,

Defendants :

<u>ORDER</u>

AND NOW, this 23rd day of September, 2015, upon consideration of the motion to dismiss of Defendants Weiss Markets and Alaco Services (Document #24), the plaintiffs' response thereto (Document #26), and the defendants' reply (Document #33), IT IS HEREBY ORDERED that the motion is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that:

- 1. The motion is GRANTED as to Defendant Weis Markets.
- 2. Defendant Weis Markets is DISMISSED from this action.
- 3. The motion is DENIED as to Defendant Alaco Services.
- 4. The motion is DENIED as to the claims for unpaid overtime compensation.
- 5. The remaining defendants shall respond to the plaintiffs' motion to certify class (Document #15) within ten days of the date of this Order.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.