

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

MARIBEL ROSARIO, et al.,	:	
individually and on behalf of similarly	:	
situated employees,	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 15-6478
	:	
FIRST STUDENT MANAGEMENT	:	
LLC, and FIRST STUDENT INC.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 23rd day of March, 2017, upon consideration of the Defendants’ Motion to Dismiss the Plaintiffs’ Amended Complaint (Doc. No. 18), the Plaintiffs’ Response in Opposition to the Defendants’ Motion to Dismiss (Doc. No. 21), and the Defendants’ Reply in Further Support of the Motion to Dismiss (Doc. No. 22), **IT IS HEREBY ORDERED** that:

1. The Defendants’ Motion to Dismiss the FLSA overtime claims (Count II) brought by named plaintiffs Nicole Tucker, Brenda Vera, and Jessica Marinez is **DENIED.**¹

¹ It is not entirely clear whether defendants move to dismiss Tucker, Vera, and Marinez’s FLSA overtime claims. To the extent that defendants seek dismissal of these specific plaintiffs’ FLSA overtime claims, the motion is denied.

2. The Defendants' Motion to Dismiss the FLSA overtime claims (Count II) brought by all named plaintiffs (listed at Doc. No. 17, p. 2) other than Nicole Tucker, Brenda Vera, and Jessica Marinez is **GRANTED**.

3. The FLSA overtime claims (Count II) brought by all plaintiffs other than Nicole Tucker, Brenda Vera, and Jessica Marinez are **DISMISSED**.

4. The Defendants' Motion to Dismiss the WPCL claims (Counts III and IV) brought by all plaintiffs is **GRANTED**.

5. The WPCL claims (Counts III and IV) brought by all plaintiffs are **DISMISSED**.

BY THE COURT

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