

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

MELVIN MEDINA,

Plaintiff,

v.

C&S WHOLESALE GROCERS, INC.,

Defendant.

CIVIL ACTION  
NO. 17-4547

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of April, 2018, upon reviewing Defendant C&S Wholesale Grocers, Inc.'s Motion to Dismiss (Docket No. 9), and all supporting and opposing papers, it is hereby **ORDERED** that Defendant's motion is **GRANTED** in part and **DENIED** in part. Count I will be dismissed and Count II may proceed as alleged.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
Jeffrey L. Schmehl, J.