

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

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|-----------------|---|------------------------------|
| FRANKLIN STYER | : | CIVIL ACTION NO. 1:13-CV-833 |
| | : | |
| Plaintiff | : | (Judge Kane) |
| | : | (Magistrate Judge Carlson) |
| v. | : | |
| | : | |
| FRITO-LAY, INC. | : | |
| | : | |
| Defendant | : | |

ORDER

Before the Court in the above-captioned action is a November 15, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

AND NOW, on this 5th day of December 2013, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 16) is **DENIED**.
- 3) The case is referred back to Magistrate Judge Carlson for pretrial management and for resolution of any pending motions or any future pending motions related to pretrial management.

S/ Yvette Kane
YVETTE KANE, District Judge
United States District Court
Middle District of Pennsylvania