

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

KATHLEEN ANN COLLIE,	:	CIVIL ACTION NO. 1:16-CV-227
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WAL-MART STORES EAST, L.P.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 3rd day of April, 2017, upon consideration of the report (Doc. 36) of Magistrate Judge Carlson, wherein Judge Carlson recommends that the court deny defendant’s motion (Doc. 21) for summary judgment and opines that manifold disputes of material fact remain for trial, and the court noting that defendant has filed objections (Doc. 37) to the report, see FED. R. CIV. P. 72(b)(2), and that said objections have been fully briefed by the parties, (Docs. 38-40), and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court finding Judge Carlson’s analysis to be thorough, well-reasoned, and fully supported by the record, and finding defendant’s objections (Doc. 37) to be without merit and squarely addressed by the report, and further upon consideration of plaintiff’s motion (Doc. 41) for continuance of trial, currently scheduled to commence with jury selection on

May 1, 2017, and the court noting defendant's non-concurrence therein, but it appearing that presently pending are four defense motions (Docs. 44, 46, 48, 50) *in limine* and one motion (Doc. 42) *in limine* filed by plaintiff, warranting temporary suspension of the pretrial and trial schedule *sub judice*, it is hereby ORDERED that:

1. The report (Doc. 36) of Magistrate Judge Carlson is ADOPTED.
2. Defendant's motion (Doc. 21) for summary judgment is DENIED.
3. The pretrial and trial schedule in the above-captioned action is SUSPENDED and the pretrial conference presently scheduled for April 20, 2017 is CANCELLED pending disposition of the parties' motions (Docs. 42, 44, 46, 48, 50) *in limine*.
4. Plaintiff's motion (Doc. 41) for continuance of trial is DENIED as moot.
5. The court will convene a telephonic conference call with the parties to establish a new pretrial and trial schedule following disposition of the parties' motions (Docs. 42, 44, 46, 48, 50) *in limine*.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania