

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

KIERSTIN GILBERT,	:	CIVIL ACTION NO. 1:16-CV-1798
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MILTON HERSHEY SCHOOL,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 30th day of August, 2017, upon consideration of the motion (Doc. 14) filed by defendant Milton Hershey School (“Milton Hershey”), seeking to dismiss the amended complaint (Doc. 12) of plaintiff Kierstin Gilbert (“Gilbert”), and the parties’ respective briefs in support of and opposition to said motion (Docs. 15, 17, 19), and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Milton Hershey’s motion (Doc. 14) to dismiss is GRANTED in part and DENIED in part as follows:
 - a. Gilbert’s discrimination claims premised on comments in her performance evaluation and the denial of materials are DISMISSED without prejudice.
 - b. Gilbert’s Title VII retaliation claim based on opposition to discrimination against students is DISMISSED with prejudice.
 - c. Gilbert’s remaining retaliation claims under Title VII and the PHRA are DISMISSED without prejudice.
 - d. Milton Hershey’s motion (Doc. 14) is otherwise DENIED.

2. Gilbert is granted leave to amend her pleading within twenty (20) days of the date of this order, consistent with paragraph 1 above. In the absence of a timely-filed second amended complaint, the above-captioned action shall proceed on the remaining claims.
3. Gilbert's motion (Doc. 16) to strike pursuant to Rule 12(f) of the Federal Rules of Civil Procedure is DENIED.

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