

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT S. VARNER,	:	
Plaintiff	:	CIVIL ACTION NO. 3:11-2138
v	:	(JUDGE MANNION)
MHS, Ltd. d/b/a Wear-Flex Slings	:	
Defendant	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** defendant's motion for summary judgment, (Doc. [20](#)), is **GRANTED IN PART** and **DENIED IN PART**. Summary judgment is **GRANTED** as to plaintiff's claims for design defect, failure to warn, and breach of the implied warranty of fitness for a particular purpose. Defendant's motion for summary judgment is **DENIED** as to plaintiff's claims for manufacturing defect and breach of the implied warranty of merchantability. A final pretrial conference will be held on **Thursday, April 24, 2014 at 2:30 PM** in Courtroom #3, William J. Nealon Federal Building and United States Courthouse, 235 North Washington Avenue, Scranton, PA. The **jury trial** will begin with jury selection on **Monday, May 19, 2014 at 9:30 AM** in the same location as noted above.

s/Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: March 6, 2014

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