

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

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|--|---|-----------------------------------|
| JOSE EUCEDA, on behalf of himself and similarly situated employees, | : | |
| | : | |
| Plaintiff | : | CIVIL ACTION NO. 3:12-0895 |
| | : | (JUDGE MANNION) |
| v. | : | |
| | : | |
| MILLWOOD, INC., | : | |
| | : | |
| Defendant | : | |

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY ORDERED THAT** the motion to dismiss filed by the defendant, (Doc. No. [24](#)), is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) The motion is **DENIED** with respect to Count I of the plaintiff's second amended complaint, (Doc. No. [21](#));
- (2) The motion is **GRANTED** with respect to Count II.

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

DATED: August 26, 2013

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