

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

DENNIS MERCURIO and COLLEEN
MERCURIO

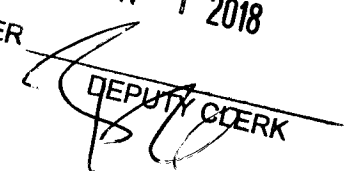
Plaintiffs,

v.

LOUISVILLE LADDER, INC.

Defendant.

3:16-CV-412
(JUDGE MARIANI)

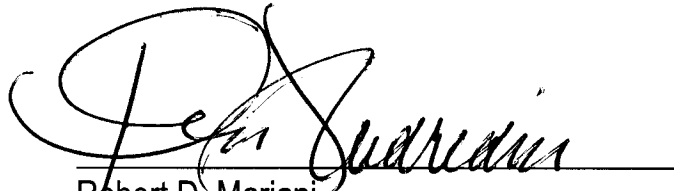
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ORDER

AND NOW, THIS 31ST DAY OF MAY, 2018, upon consideration of the Motion for Summary Judgment and Motion in Limine of Defendant Louisville Ladder, Inc., (Docs. 17, 20), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Motion in Limine to Preclude Stephen Fournier (Doc. 20) is **denied without prejudice**. A *Daubert* hearing shall be conducted on **Wednesday, August 1, 2018 at 10:00 a.m.** for the purpose of determining the admissibility of Stephen Fournier's opinions and testimony. Defendant may renew its Motion in Limine after the conclusion of the *Daubert* hearing.
2. Defendant's Motion for Summary Judgment (Doc. 17) is **DENIED** in part and **GRANTED** in part, to wit:
 - a. The Motion is **GRANTED** with respect to Plaintiffs' express warranty claim (Count III).

- b. To the extent Plaintiffs' strict liability claim (Count I) and negligence claim (Count II) rely on allegations of manufacturing defect and/or defective warnings, the Motion is **GRANTED** as to those claims.
- c. The Motion is **DENIED** with respect to all other claims.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge