

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

ANTONIO MURPHY,  
Plaintiff

v.

McLANE EASTERN, INC. and  
McLANE/EASTERN, INC.  
t/d/b/a McLANE PA,  
Defendants

No. 3:16cv1055

(Judge Munley)

ORDER

**AND NOW**, to wit, this 28th day of February 2017, defendants' motion to dismiss (Doc. 9) is hereby **GRANTED** in part and **DENIED** in part as follows:

1. The motion is **GRANTED** with respect to plaintiff's Family and Medical Leave Act interference claim, and this claim is **DISMISSED** without prejudice. Plaintiff may file an amended complaint within fourteen (14) days from the date of this order to correct the defects set forth in the accompanying memorandum pertaining to this claim;
2. The motion is **DENIED** in all other respects; and
3. Defendants' shall file a responsive pleading fourteen (14) days from the date that plaintiff files an amended complaint or twenty-one (21) days from the date of this order in the event plaintiff does not file an amended complaint.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**