

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL SEMIAN,

Plaintiff,

v.

DEPARTMENT OF MILITARY AND
VETERANS' AFFAIRS – GINO J.,
MERLI VETERANS CENTER,

Defendant.

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: 3:13-CV-1183
: (JUDGE MARIANI)
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ORDER

AND NOW, THIS 23rd DAY OF AUGUST, 2018, upon consideration of

Defendant's Motion to Dismiss for Failure to State a Claim upon Which Relief Can Be
Granted, (Doc. 12), **IT IS HEREBY ORDERED THAT:**

1. The Defendant's Motion to Dismiss, (Doc. 12), is **GRANTED IN PART AND DENIED**

IN PART as follows:

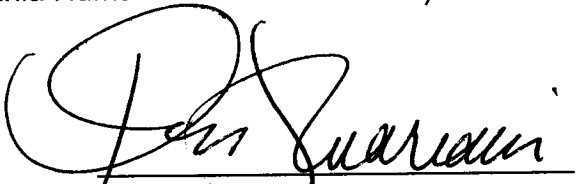
- a. With respect to Plaintiff's Complaint Count I (Title VII claim), Defendant's Motion is **GRANTED**. Count I is **DISMISSED WITHOUT PREJUDICE**, and Plaintiff shall have leave to amend his Complaint with respect to this Count.
- b. With respect to Plaintiff's Complaint Count II (Section 1981 claim), Defendant's Motion is **GRANTED**. Count II is **DISMISSED WITH PREJUDICE**.

c. With respect to Plaintiff's Count III (Pennsylvania Human Relations Act claim), Defendant's Motion is **GRANTED**. Count III is **DISMISSED WITHOUT PREJUDICE**, and Plaintiff shall have leave to amend his Complaint with respect to this Count.

d. With respect to Plaintiff's Count IV (Tortious Interference claim), Defendant's Motion is **GRANTED**. Count IV is **DISMISSED WITH PREJUDICE**.

e. With respect to Plaintiff's Count V (Whistleblower Law claim), Defendant's Motion is **DENIED**.

2. In accordance with the above, Plaintiff is granted leave to amend his Complaint within **twenty-one (21) days** from the date of this Order to remedy the defects in Counts I (Title VII claim) and III (Pennsylvania Human Relations Act claim).


Robert D. Mariani
United States District Court Judge