

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES EHRENBERG, et al.,

Plaintiffs,

v.

LISK TRUCKING, INC., et al.,

Defendants.

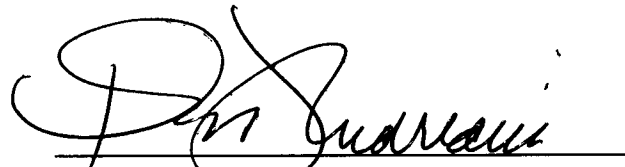
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3:18-CV-0007  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 20<sup>th</sup> DAY OF NOVEMBER, 2018, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 33) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 33) is **ADOPTED** for the reasons set forth therein.
2. Defendants' Motion to Dismiss (Doc. 12) is **DENIED**.<sup>1</sup>
3. This action is **REMANDED** to Magistrate Judge Carlson for further pretrial proceedings in accordance with this Court's November 6, 2018 Order (Doc. 32).

  
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 Robert D. Mariani  
 United States District Judge

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<sup>1</sup> The Court agrees with Magistrate Judge Carlson's legal analysis with respect to why Defendants' request to dismiss the claims for punitive damages, as well as any allegations of "recklessness," "consciously indifferent" and "conscious disregard," be denied as well as his conclusion that the Complaint fully satisfies federal pleading standards and is not impermissibly vague or insufficient. Furthermore, Defendants' request in their motion to dismiss that certain allegations and/or paragraphs within the Complaint be struck must also be denied. First, Defendants impermissibly base this request on the Pennsylvania Rules of Civil Procedure, which are not applicable to this federal action. Second, such request is without basis as Plaintiffs have alleged sufficient well-pleaded facts to allow this action to move forward and, upon review of the Complaint by this Court, the Complaint does not contain any "redundant, immaterial, impertinent, or scandalous matter" as set forth in Fed. R. Civ. P. 12(f).