

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

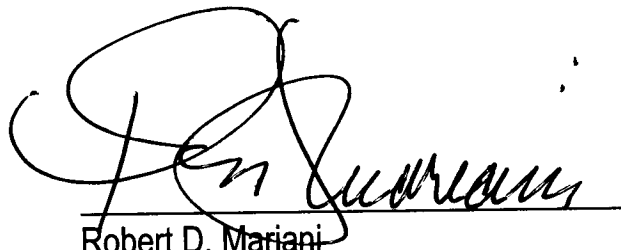
JO ANN ALLEN,	:	
	:	
Plaintiff,	:	
v.	:	3:18-CV-209
	:	(JUDGE MARIANI)
LACKAWANNA COUNTY BOARD OF	:	(Magistrate Judge Mehalchick)
COMMISSIONERS, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, THIS 23rd DAY OF SEPTEMBER 2019, upon consideration of Magistrate Judge Mehalchick's R&R (Doc. 46) recommending that Defendants' Motion to Dismiss (Doc. 36) be denied in part and granted in part (Doc. 46 at 42) and all relevant documents, for the reasons discussed in the simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 46) is **ADOPTED** in part.
2. Defendants' Motion to Dismiss (Doc. 36) is **DENIED IN PART** and **GRANTED IN PART.**
3. The Motion to Dismiss (Doc. 36) is **DENIED** as to the following claims:
 - a. Retaliation under the ADA
 - b. Hostile Work Environment under the ADA
 - c. Failure to Accommodate under the ADA

- d. Disability Discrimination under the ADA
 - e. Retaliation under the FMLA
 - f. Fraud
 - g. Intentional Infliction of Emotional Distress
 - h. Fourteenth Amendment Due Process against Lackawanna County in connection with Plaintiff's October 19, 2016, and November 1, 2016, Pre-Termination Notices
4. The Motion to Dismiss (Doc. 36) is **GRANTED** in all other respects.
 5. This case goes forward only as to the claims identified in ¶ 3.
 6. This matter is **REMANDED** to Magistrate Judge Mehalchick for further proceedings.

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

Robert D. Mariani
United States District Judge