

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

SHIRLEY CRAIG, et. al,

08-cv-2317

Plaintiffs,

Hon. John E. Jones III

v.

RITE AID CORPORATION and  
ECKERD CORPORATION d/b/a  
RITE AID CORPORATION,

Defendants.

**ORDER**

**August 18, 2011**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Before the Court is Magistrate Judge Martin Carlson’s Report and Recommendation (“R&R”) recommending that we grant Defendants’ Motion for Summary Judgment (Doc. 299) in part to the extent that Plaintiffs do not oppose the prejudicial dismissal of some of the proposed seventy-two (72) putative Plaintiffs from the action. (Doc. 413.) Also pending is the parties’ Stipulation of Dismissal with respect several more opt-in Plaintiffs (Doc. 415), and Magistrate

Judge Carlson's R&R recommending that the Court approve said stipulation<sup>1</sup> (Doc. 414). We find that each dismissal is warranted, and will consolidate the two into one order. Therefore, pursuant to the R&R<sup>2</sup>, the following Plaintiffs shall be dismissed from the action:

Deverne Ashe  
Emily Ball (Cook)  
Curtis Bennett  
Robert Biafora  
Diane Bishop  
Michele Burns  
Gail Burnside  
Todd Carbone  
Carolyn Casey  
Kathleen Dach  
Ronald Dach  
Leatrice Davis  
Brandi Donovan  
David Duncan  
Patrina Eaton  
Arthur Finley  
Ron Fosnaught  
Adam Gaffen  
Darrin Grant  
Norene Grout  
David Homan  
Jacob Iglesias

---

<sup>1</sup>The latter R&R actually recommends that we adopt the Stipulation listed at Docket Number 411. The subsequent Stipulation merely corrected a clerical error, and therefore we shall treat that as the controlling Stipulation.

<sup>2</sup>We recognize that the time to object to the R&R has not expired. Nonetheless, in light of Plaintiffs' intention not to oppose the dismissal with respect to these opt-ins (*see* Doc. 409), it is apparent that there will be no objections to the R&R recommending their dismissal.

Rita Jankowski  
LaVera Johnson  
Terry Jones  
Kenneth Keller  
Randall LaRock  
Jeffrey Lauzon  
Ethel Mae Lewis  
Mark Mahnke  
Leonard Matsvayi  
Stephen Mattner  
Cynthia McCall  
Jason Mills  
Steven Moyer  
Donna Nuro  
Elsie Pagen-Rounds  
Whitney Peters  
Richard Pommells  
William Reynolds  
Robert Romero  
Christopher Seitz  
Ryan Sharlow  
Susan Simmons  
Sherry Lynn Smith  
William Thompson  
Jasper Trentham  
Arthur Watkins  
Frederick Weinstein  
Dustina Wiktorko  
Kenneth Williams  
Karl Willis  
Brian Winchell  
Mary Wood  
John Wyar  
Scott Zaremba

Likewise, pursuant to the Stipulation of Dismissal (Doc. 415), the following

Plaintiffs are dismissed with prejudice:

Sandra Adamciewicz  
Jeremy L. Allred  
Sammy Ballard  
Thomas J. Barton III  
Clarence R. Bergamy  
Tammy L. Biederman  
Michele K. Burns  
Verna Clippinger  
Crystal M. Dattilo  
Sheryl M. Doyan  
David K. Duncan  
DeAudrey Ellington  
Heather Glenn  
Lacie T. Gleva  
Yolanda Goldsmith  
Thomas P. Grammar  
Eddie Ibea  
Roberty Landino  
Mary R. Leslie  
Willow Leto  
Brian Manda  
Cathie Marsden  
Rodrick Mays  
Cynthia A. McCall  
Brooke R. Neumann  
Edith Oquendo  
Cecelia Pretlow  
Vickie L. Quayle  
Franshawn Rowe  
Ryan Sensenig  
Roxanna L. Sherrill  
Jean M. Ward

With respect to the remaining contested aspects of Defendants' Motion for

Summary Judgment (Doc. 299), the parties shall adhere to Magistrate Judge Carlson's August 18, 2011 Order (Doc. 412) and all forthcoming Orders.

**NOW, THEREFORE, IT IS HEREBY ORDERED**

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 413) recommending that the Court grant in part Defendants' Motion for Partial Summary Judgment is **ADOPTED** in its entirety;
2. Defendants' Motion for Partial Summary Judgment is **GRANTED** only to the extent indicated above with respect to the opt-in Plaintiffs listed;
3. The Report and Recommendation of Magistrate Judge Carlson (Doc. 414) recommending that the Court approve the Stipulation of Dismissal is **ADOPTED** in its entirety;
4. The Stipulation of Dismissal (Doc. 415) is **APPROVED**;
5. The above-named opt-in Plaintiffs are **DISMISSED** from the action with prejudice.

/s/ John E. Jones III  
John E. Jones III  
United States District Judge