

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

CANDY S. ORNER,	:	Case No. 4:13-cv-0837
	:	
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	(Magistrate Judge Blewitt)
NATIONAL BEEF PACKAGING,	:	
COMPANY, LLC,	:	
	:	
Defendants.	:	

ORDER

December 9, 2014

The undersigned has given full and independent consideration to the thorough June 17, 2014 report and recommendation of Magistrate Judge Thomas M. Blewitt (ECF No. 55). The Defendant filed an Objection (ECF No. 56) and the Plaintiff filed a reply (ECF No. 57). The Court reviewed the Defendant’s objections under the *de novo* standard.

Because this Court agrees with Magistrate Judge Blewitt’s recommendation, the Court will not rehash the reasoning of the Magistrate Judge and will adopt the report and recommendation in its entirety. The Defendant’s objections to the reliability of the expert reports are, in this instance, issues more appropriately explored on cross examination than in this motion to strike the testimony.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Magistrate Judge Blewitt's report and recommendation is ADOPTED (ECF No. 55).
2. The Defendant's Motion to Strike Brief in Opposition to Motion for Summary Judgment is DENIED in part and GRANTED in part (ECF No. 44). To the extent that Plaintiff's expert Rappucci's Report offers opinions on legal issues, they are excluded. The remainder of Rappucci's Report and the report of Plaintiff's expert Dr. Glass are not excluded.
3. The case is remanded to Magistrate Judge Blewitt for resolution of the pending motion and other relevant proceedings.

BY THE COURT:

/s Matthew W. Brann
Matthew W. Brann
United States District Judge