

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

**JAMES MCASSEY,**  
**Plaintiff**

v.

**DISCOVERY MACHINE, INC., et al.,**  
**Defendants**

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**No. 4:16-cv-00705**

**(Judge Kane)**

**(Magistrate Judge Carlson)**

**ORDER**

Before the Court is the January 12, 2018 Report and Recommendation of Magistrate Judge Carlson (Doc. No. 67), in which he recommends that the Court grant in part and deny in part Defendants' motion to dismiss the amended complaint (Doc. No. 62). No timely objections have been filed. **ACCORDINGLY**, on this 21st day of August 2018, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation of Magistrate Judge Carlson (Doc. No. 67);
2. Defendants' motion to dismiss (Doc. No. 62), is **GRANTED IN PART** and **DENIED IN PART**;
3. All claims asserted against Defendant Vanessa Chapla are **DISMISSED WITH PREJUDICE**, and the Clerk is directed to **TERMINATE** Defendant Chapla from the caption of the above-captioned action; and
4. The above-captioned action is recommitted to Magistrate Judge Carlson for further pretrial management.

s/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania