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

JAMES D. BARRY,

No. 4:16-CV-02248

Plaintiff,

(Judge Brann)

PHILLIP M. WHEELER, et al., Defendants.

and

v.

FRANCISCO SEURO, et al., Plaintiffs,

v.

PHILLIP M. WHEELER, *et al.*, Defendants.

## **ORDER**

## **APRIL 30, 2019**

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by

Defendants Phillip M. Wheeler and Werner Enterprises, Inc., ECF No. 64, is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. With respect to Plaintiff James D. Barry's claims against Defendants

Phillip M. Wheeler and Werner Enterprises, Inc. for punitive damages, the motion is **GRANTED**.

- 2. With respect to Plaintiff James D. Barry's claims against Defendant Werner Enterprises, Inc. for negligent hiring and negligent entrustment, the motion is **GRANTED**.
- 3. The motion is otherwise **DENIED**.

BY THE COURT:

s/Matthew W. BrannMatthew W. BrannUnited States District Judge