

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

TY CARTS, et al, individually and
on behalf of all other similarly situated
individuals,
Plaintiffs
v.
WINGS OVER HAPPY VALLEY MDF,
LLC d/b/a WINGS OVER HAPPY
VALLEY, et al,
Defendants
No. 4:17-cv-00915
(Judge Kane)

ORDER

AND NOW, on this 24th day of January 2023, in accordance with the Memorandum
entered concurrently with this Order, IT IS ORDERED THAT the motion for summary
judgment (Doc. No. 123) filed by Defendants Wings Over Happy Valley MDF, LLC, and Steven
C. Moreira ("Defendants") is GRANTED IN PART and DENIED IN PART to the following
extent:

- 1. The motion for summary judgment is GRANTED as to the following seventeen
(17) Opt-In Plaintiffs' Fair Labor Standards Act ("FLSA") claims:
• Braxton Amundson
• Ethan Butterbaugh
• Christopher Crosier
• Brian D. Floris
• Michael Galantino
• Harrison J. Gardner
• Christopher Gast
• Wade Henshaw
• D. Hoffman, Jr.
• George Kepler
• Vladimir Londõno
• Michael Munoz
• Dylan Reap
• Moussa Sangare
• Toby Smoyer
• Alec D. Stouffer
• Matthew Troxwell

Entry of judgment in favor of Defendants and against the above seventeen (17)
Opt-In Plaintiffs will be deferred until the conclusion of this case;

- 2. The motion for summary judgment is GRANTED as to the FLSA claims asserted
by Named Plaintiffs Ty Carts, Colin Krieger, Lewis Grove, and Brandon Ronald,
all of whom were named in the original and amended complaints. Entry of

judgment in favor of Defendants as to these claims will be deferred until the conclusion of this case;

3. The motion for summary judgment is **DENIED** in all other respects;
4. The claims that remain are as follows:
 - a. The FLSA collective claims of Opt-In Plaintiffs Joshua H. Braucht, Dustin Gilmore, Zachary Keim, Matthew J. Lamb, Johnathan Lieberman, Seth J. Steele, and Aaron Symosky;
 - b. The state law claims brought by Named Plaintiffs Ty Carts, Colin Krieger, Lewis Grove, and Brandon Ronald; and
5. A telephone status conference is scheduled for **February 16, 2023, at 10:00 a.m.**, to discuss a potential date for the commencement of trial in this matter. Plaintiffs' counsel shall initiate the call to 717-221-3990. **Prior to the conference, the parties shall meet and confer regarding settlement of the case.**

s/ Yvette Kane _____
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania