

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

TONY AND JENNIE PUNCH, as)	
Parents and Natural Guardians of)	
Lincoln Punch, a minor, and in their)	
own right,)	
)	
Plaintiffs,)	Case No. 1:12-cv-154-SJM-SPB
)	
v.)	
)	
DOLLAR TREE STORES, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiffs filed their complaint in this civil action on July 6, 2012 and the matter was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The Magistrate Judge's Report and Recommendation, filed on January 24, 2013 [19], recommends that the Defendant's motion to dismiss Plaintiffs' strict liability claims [13] be denied.

Defendant filed its objections [20] on February 5, 2013, and Plaintiffs filed their response [21] to Defendant's objections on February 19, 2013. On March 11, 2013, Defendant filed a motion [22] for leave to file supplemental authority in support of its (partial) motion to dismiss, which this Court will grant. However, having conducted a *de novo* review of the complaint and documents in this case, together with the Report and Recommendation, Defendant's objections to the R&R and supplemental authority, and Plaintiffs' response to the Defendant's objections, this Court finds that the Defendant's motion to dismiss lacks merit, and it will therefore be denied.

Accordingly, after de novo review of the foregoing materials, this Court enters the following order:

AND NOW, this 8th Day of April, 2013;

IT IS ORDERED that the Defendant's motion [22] for leave to file supplemental authority in support of its Rule 12(b)(6) motion shall be, and hereby is, GRANTED.

IT IS FURTHER ORDERED that the Defendant's motion to dismiss Plaintiffs' claims premised on strict liability [13] shall be, and hereby is, DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on January 24, 2013 [19], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter