

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

| | | |
|------------------------------|---|-------------------------------------|
| RACHNA J. PATEL, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 12-298E |
| |) | |
| v. |) | Judge Cathy Bissoon |
| |) | Magistrate Judge Robert C. Mitchell |
| SAINT VINCENT HEALTH CENTER, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM ORDER

This case has been referred to United States Magistrate Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636, and Local Rule of Civil Procedure 72.

On January 9, 2015, the Magistrate Judge issued a Report (Doc. 93) recommending that Defendant's Motion for Summary Judgment (Doc. 77) be denied.¹ Service of the Report and Recommendation was made on the parties, and Defendant has filed objections. *See* Doc. 94.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

¹ The Magistrate Judge also recommended that summary judgment be granted regarding Plaintiff's FMLA-interference claim, to the limited extent that it was based on Defendant's having required medical recertification sooner than the 15-day period set forth in the regulations. *See* R&R at 2, 27-29. The District Court agrees with, and hereby adopts, the Magistrate Judge's reasoning in this regard. The Magistrate Judge's analysis serves a useful purpose, namely, a narrowing of the issues for trial, and whether to deem this a partial grant of summary judgment, or to simply acknowledge the ruling just described, is a matter of semantics. In the end, the distinction is without a difference, because the parties now know that Plaintiff cannot proceed on the above theory, and, to be clear, this ruling has no bearing on the admissibility or inadmissibility of any evidence at trial.

Defendant's Motion for Summary Judgment (**Doc. 77**) is **DENIED**, and the Magistrate Judge's Report and Recommendation hereby is adopted as the Opinion of the District Court.²

IT IS SO ORDERED.

February 12, 2015

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record

² As noted by the Magistrate Judge, Plaintiff has stipulated to the dismissal of her Title IX claim for sex discrimination. *See* R&R at 1. Under the circumstances, and given the absence of any indication to the contrary in the record, that claim is **DISMISSED WITH PREJUDICE**.