

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

UNITED STATES EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION)	
)	
Plaintiff,)	
)	Civil Action No. 14-899
v.)	Judge Nora Barry Fischer
)	
COURT OF COMMON PLEAS OF)	
ALLEGHENY COUNTY,)	
)	
Defendant.)	

ORDER

AND NOW, this 27th day of June, 2016, upon consideration of Plaintiff EEOC’s Motion to Limit or Sever Trial Issues, (Docket No. [61]), and the Parties’ Joint Status Report, (Docket No. [80]),

IT IS HEREBY ORDERED that Plaintiff’s Motion [61] is GRANTED, IN PART and DENIED, IN PART. The jury shall be instructed and the evidence at trial shall be limited, given Defendant’s admission it was Plaintiff’s employer. However, Defendant may also show that Emphyrean employed Pittman during the same time frame as co-employers or joint employers. To that end, Defendant may introduce evidence that it and Emphyrean established practices regarding the selection, supervision and termination of temporary employees. *Faush v. Tuesday Morning, Inc.*, 808 F.3d 208, 219 (3d Cir. 2015); *Dunkel v. Integrative Staffing Group*, 2016 WL 2958269 (W.D. Pa. May 23, 2016); EEOC Notice 915.002, *Enforcement Guidance: Application of EEO Laws to Contingent Workers Placed by Temporary Employment Agencies and Other Staffing Firms*, Dec. 3, 1997, 1997 WL 33159161, at *5–6.

s/Nora Barry Fischer
Nora Barry Fischer
U.S. District Judge

cc/ecf: All counsel of record.