

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

**ANDREW M. GABRIEL** )  
*on behalf of himself and all others* )  
*similarly situated,* )

Plaintiff, )

v. )

Civil Action No. 14-0980

**GIANT EAGLE, INC.,** )  
**MARCKISOTTO MARKETS INC.** )  
*doing business as* )

Chief United States District Judge  
Joy Flowers Conti

"EDGEWOOD GIANT EAGLE" or )  
*doing business as* )

United States Magistrate Judge  
Cynthia Reed Eddy

"GIANT EAGLE" or )  
*doing business as* )

"GIANT EAGLE PHARMACY #24", )  
**SHAKESPEARE STREET ASSOCIATES** )

**GP LLC, doing business as** )  
"GIANT EAGLE" or )

*doing business as* )  
"SHAKESPEARE GIANT EAGLE" or )

*doing business as* )  
"GIANT EAGLE PHARMACY #17" and )

**CVS PHARMACY, INC.,** )  
*doing business as "CVS" or* )

*doing business as* )  
"CVS STORE #4091" )

Defendants. )

**ORDER**

AND NOW, this 11th day of December, 2014, it is hereby **ORDERED, ADJUDGED**  
**AND DECREED** that for the reasons set forth in the accompanying memorandum opinion,  
plaintiff's motion to remand to state court (ECF No. 3) is **DENIED**, and his objections to the  
report and recommendation (ECF No. 25) are **OVERRULED**.

It is further **ORDERED** that the report and recommendation (ECF No. 24), as supplemented by the accompanying memorandum opinion, is **ADOPTED** as the opinion of the court.

It is further **ORDERED** that the matter is remanded back to the magistrate judge for all further pretrial proceedings.

BY THE COURT:

Dated: December 12, 2014

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief, United States District Judge

cc: all counsel of record via CM-ECF