

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)
"EDGEWOOD GIANT EAGLE" or)
doing business as)
"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 19th day of August, 2015, it is hereby ORDERED, ADJUDGED AND DECREED that for the reasons set forth in the accompanying memorandum opinion, defendants' motions to dismiss the Third Amended Complaint (ECF Nos. 30, 34) are GRANTED and plaintiff's objections to the report and recommendation (ECF No. 45) are

OVERRULED. It is further **ORDERED, ADJUDGED AND DECREED** that the complaint filed by Andrew M. Gabriel is dismissed with prejudice.

It is further **ORDERED** that the report and recommendation (ECF No. 44) as supplemented by the accompanying memorandum opinion is **ADOPTED** as the opinion of the court.

It is further **ORDERED** that the Clerk of Court mark this case **CLOSED**; and

It is further **ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

Dated: August 19, 2015

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

cc: all counsel of record via CM-ECF