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

| DAVID B. MCGARRY,  | )           |
|--|-------------|
| Plaintiff,   | )           |
| vs.  | )           |
| GMRI, INC., A FLORIDA<br>CORPORATION; DARDEN<br>RESTRAINTS, INC., A FLORIDA<br>CORPORATION; AND BAHAMA<br>BREEZE HOLDINGS, INC., A FLORIDA<br>CORPORATION; | ) ) ) ) ) ) |
| )<br>Defendants.   | )           |

2:16-CV-00606-CRE

## Defendants,

## <u>ORDER</u>

AND NOW, this 12<sup>th</sup> day of January, 2017, Defendants' Motion to Dismiss pursuant to

Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim [ECF No. 28] is DENIED.

Defendants' Answer is due February 2, 2017.

By the Court:

s/ Cynthia Reed Eddy Cynthia Reed Eddy United States Magistrate Judge

cc: all registered counsel via CM-ECF