

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


EUGENE SCALIA, <i>Secretary of Labor,</i>)	
)	
Plaintiff,)	2:17-cv-880
)	
v.)	
SX MANAGEMENT, LLC, <i>a limited</i>)	District Judge Marilyn J. Horan
<i>liability corporation doing business as</i>)	Magistrate Judge Maureen P. Kelly
STOREXPRESS, STEVEN MITNICK,)	
<i>individually, and as President and/or</i>)	
<i>owner of SX Management, LLC, and</i>)	
EDMOND MCKEAN, <i>individually and</i>)	
<i>as an employee of SX Management, LLC,</i>)	
)	
Defendants.)	
)	
EDMOND MCKEAN, <i>individually and</i>)	
<i>as an employee of SX Management, LLC,</i>)	
)	
Cross Claimant,)	
)	
v.)	
STEVEN MITNICK,)	
<i>individually, and as President and/or</i>)	
<i>owner of SX Management, LLC, and</i>)	
SX MANAGEMENT, LLC, <i>a limited</i>)	
<i>liability corporation doing business as</i>)	
STOREXPRESS,)	
Cross Defendants.)	

Order of the Court

AND NOW, this 20th day of July, 2021, it is hereby ORDERED that, in accordance with the Opinion of the Court (ECF No. 128), the June 16, 2021 Report and Recommendation (ECF No. 122) is ADPOTED, AS AMENDED by the Opinion of this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Report and Recommendation and in the Opinion of the Court, the SX Defendants’ Motion for Partial Summary Judgment (ECF No. 109) is DENIED as to the claims asserted by the Secretary of Labor on behalf of Defendant Edmond McKean.

IT IS FURTHER ORDERED that, for the reasons set forth in this Court's Opinion, the SX Defendants' Motion for Partial Summary Judgment is DENIED AS MOOT as to Mr. McKean's dismissed cross-claim against the SX Defendants.


Marilyn J. Horan
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

All Counsel of Record via CM-ECF