

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

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
Plaintiff,	)	
	)	
vs	)	Civil Action No. 06-1243
	)	
ORIGINAL HOT DOG SHOPS, INC. d/b/a	)	
ORIGINAL HOT DOG SHOP, and	)	
FOOD GALLERY ORIGINAL, INC. d/b/a	)	
ORIGINAL HOT DOG SHOP,	)	
Defendants.	)	

ORDER

AND NOW, this 31<sup>st</sup> day of January, 2007, after the plaintiff filed an amended complaint in the above-captioned case, and after the defendants moved to dismiss the amended complaint, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the defendants which repeat the arguments raised and addressed in the Report and Recommendation, as well as the plaintiff's response to those objections, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendants' motion to dismiss the amended complaint (Document No. 5) is denied without prejudice to defendants' right to raise the issues implicating the requisite elements to be established for plaintiff's Title VII claim based upon a fully developed record.

Joy Flowers Conti  
United States District Judge

cc: All Counsel of Record

Honorable Robert C. Mitchell  
United States Magistrate Judge