

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

**DANIEL SLEMMER and PAULA
SLEMMER, Individually, and on behalf of
all others similarly situated,**

Plaintiffs,

v.

**MCGLAUGHLIN SPRAY FOAM
INSULATION, INC. and BARNHARDT
MANUFACTURING CO.,**

Defendants.

CIVIL ACTION

NO. 12-6542

ORDER

AND NOW, this 16th day of October, 2013, upon consideration of Defendant's, McGlaughlin Spray Foam Insulation, Inc., Motion to Dismiss Count VI (Medical Monitoring) of Plaintiffs' Amended Complaint, Pursuant to Rule 12(b)(6) (Document No. 26, filed July 29, 2013), Memorandum of Law in Opposition to Motion to Dismiss Plaintiffs' Medical Monitoring Claim Filed by Defendant McGlaughlin Spray Foam Insulation, Inc. (Document No. 28, filed August 12, 2013), Barnhardt Manufacturing Company's Motion to Dismiss Count VI of Plaintiffs' Amended Class Action Complaint (Document No. 27, filed July 31, 2013), and Memorandum of Law in Opposition to Motion to Dismiss Plaintiffs' Medical Monitoring Claim Filed by Defendant Barnhardt Manufacturing Co. (Document No. 29, filed August 14, 2013), for the reasons set forth in the Memorandum dated October 16, 2013, **IT IS ORDERED** that Defendant's, McGlaughlin Spray Foam Insulation, Inc., Motion to Dismiss Count VI (Medical Monitoring) of Plaintiffs' Amended Complaint, Pursuant to Rule 12(b)(6) (Document No. 26), and Barnhardt Manufacturing Company's Motion to Dismiss Count VI of Plaintiffs' Amended

Class Action Complaint (Document No. 27) are **GRANTED** and Count VI of the Amended Class Action Complaint is **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.