

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

DOUGLAS M. HODCZAK; JAMES M. )	
CROSSMAN; THOMAS J. MAGDIC; )	
JOSEPH A. LITVIK, on behalf of )	
themselves and all others similarly )	
situated, )	
Plaintiffs, )	
)	
vs. )	Civil Action No. 08-649
)	
LATROBE SPECIALTY STEEL )	Judge Terrence F. McVerry
COMPANY, )	Magistrate Judge Amy Reynolds Hay
Defendant. )	

**AMENDED ORDER**

AND NOW, this 23<sup>rd</sup> day of April, 2009, after the plaintiffs, Douglas M. Hodczak, James M. Crossman, Thomas J. Magdic and Joseph A. Litvik, filed the above-captioned case on behalf of themselves and others similarly situated, and after defendant, Latrobe Specialty Steel Company, filed a Motion for Summary Judgment on All of Plaintiff Hodczak's Claims, and after Plaintiffs filed a Motion Pursuant to Rule 56(f) to Deny or Continue Defendant's Motion for Summary Judgment on All of Plaintiff Hodczak's Claims, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until February 9, 2009, to file written objections thereto, and no objections having been filed with respect to these motions, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

**IT IS HEREBY ORDERED** that plaintiffs' motion to deny summary judgment pursuant to Fed. R. Civ. P. 56(f) on all of plaintiff Hodeczak's claims [Dkt. 41] is **GRANTED**,

and that defendant's motion for summary judgment on all of plaintiff Hodczak's claims [Dkt. 19] is, in fact, **DENIED**.

/ s/ Terrence F. McVerry  
TERRENCE F. MCVERRY  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

All Counsel of Record by electronic filing