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

MELANIA FELIX DeASENCIO, et al.	:	CIVIL ACTION
	:	
vs.	:	
	:	
TYSON FOODS, INC., et al.	:	NO. 00-4294

MEMORANDUM

ROBERT F. KELLY, Sr. J. **MAY 25, 2006**

The above-captioned action is scheduled for trial on June 5, 2006. On May 15, 2006 the Court received a letter from defense counsel which ended with a request for, "an emergency hearing to confirm that the WPCL claim may not be pursued at trial."[1]

A conference call was held between the Court and counsel on May 16, 2006, at which the Court expressed the opinion that the WPCL claim was no longer a part of the case to be tried on June 5, 2006. On May 19, 2006 the Court received a letter from Plaintiffs' counsel outlining in more detail Plaintiffs' position on the state law claims.[2] A second conference call was held between the Court and counsel on May 25, 2006.

Based upon the two conference calls, the correspondence from counsel and the Opinion of the Third Circuit in this case we enter the following Order.

---

[1]WPCL refers to the Pennsylvania Wage Payment and Collection Law.

[2]Because of transmission problems Plaintiffs' counsel did not receive the Defendant's letter of May 15, 2006 until after the conference call held May 16, 2006.

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

MELANIA FELIX DeASENCIO, et al.	:	CIVIL ACTION
	:	
vs.	:	
	:	
TYSON FOODS, INC., et al.	:	NO. 00-4294

O R D E R

AND NOW, this 25th day of May, 2006, the WPCL claims of the named Plaintiffs may not be pursued at the trial to be held June 5, 2006 in the above-captioned case.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE