

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

FRES-CO SYSTEM USA, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
ROBERT BODELL	:	
	:	NO. 05-3349

ORDER

AND NOW, this 9th day of December, 2005, upon consideration of defendant's motion for attorney fees (docket entry # 25), and plaintiff's response thereto, and the Court finding that though plaintiff's action was unquestionably an inequitable act of oppression against a defenseless nontechnical employee in its business, Pennsylvania law is nevertheless sufficiently ductile as to have made even such an overbearing action colorable, and therefore not (quite) frivolous, and we conclude that fee shifting is, in the end, unwarranted and therefore it is hereby ORDERED that defendant's motion is DENIED.

BY THE COURT:



 Stewart Dalzell, J.