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

LAVERNE VANN, CIVIL ACTION Plaintiff,

v.

CITY OF PHILADELPHIA d/b/a THE PHILADELPHIA POLICE DEPARTMENT; and ANTHONY BOYLE, Defendants. NO. 20-1433

ORDER

AND NOW, this 28th day of July, 2020, upon consideration of Defendant Anthony
Boyle's Motion to Dismiss for Failure to State a Claim (ECF No. 9), Defendant City of
Philadelphia's Motion to Dismiss for Failure to State a Claim (ECF No. 10), and Plaintiff's
Omnibus Response in Opposition (ECF No. 11), IT IS ORDERED that Defendant Boyle's
Motion to Dismiss is DENIED as to the assault and battery claim (Count I) and GRANTED as
to the Pennsylvania Whistleblower claim (Count III) which is DISMISSED WITH
PREJUDICE. Defendant City of Philadelphia's Motion to Dismiss the Pennsylvania
Whistleblower claim (Count III) is GRANTED which claim is DISMISSED WITH
PREJUDICE.

IT IS FURTHERED ORDERED that upon Plaintiff's notice of voluntary dismissal (ECF No. 11), Plaintiff's excessive force (Count I) and First Amendment retaliation (Count II) claims against Boyle in his official capacity and against the City of Philadelphia are DISMISSED WITHOUT PREJUDICE.

July 28, 2020

BY THE COURT:
/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.