

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GREGORY BOU,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 11-6356
(JEI/JS)**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
(Dkt. No. 28)****APPEARANCES:**PATRICK GECKLE, LLC
By: Michael Cortese, Esq.
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Philadelphia, PA 19102
Counsel for PlaintiffSTATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL
By: Roshan Deven Shah, Deputy Attorney General
RJ Hughes Justice Complex
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P.O. Box 112
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Counsel for Defendants**IRENAS**, Senior District Judge:

This matter having appeared before the Court upon Defendants DePinto and Hurley's Motion for Summary Judgment (Dkt. No. 28), the Court having considered the submissions of the parties, and for good cause appearing;

IT IS on this 26 day of August, 2013,

ORDERED THAT:

(1) Defendants' Motion for Summary Judgment is hereby **DENIED** as to Plaintiff's claims for excessive force under 42 U.S.C. § 1983 and N.J.S.A. 10:6-2.

(2) Defendants' Motion for Summary Judgment is hereby **DENIED** as to Plaintiff's claims for assault and battery.

(3) Defendants' Motion for Summary Judgment is hereby **GRANTED** as to Plaintiff's claim for intentional infliction of emotional distress.

s/ Joseph E. Irenas

JOSEPH E. IRENAS, S.U.S.D.J.