

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

| | | | |
|---|-------|---|---------------------|
| KAREN CLINKSCALES | _____ | : | CIVIL ACTION |
| | | : | |
| v. | | : | NO. 06-3919 |
| | | : | |
| THE CHILDREN'S HOSPITAL OF PHILADELPHIA, <u>et al.</u> | | : | |

ORDER

AND NOW, this 6th day of May, 2009, upon consideration of Defendants' Motion to Dismiss Plaintiff's Fourth Amended Complaint (docket no. 35) and Plaintiff's Response thereto (docket no. 36), and for the reasons stated in the accompanying Memorandum, it is **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part. Accordingly, the following claims are **DISMISSED** from the Fourth Amended Complaint:

1. Counts I, II, IV, V, VI, XIII, XVII, and XVIII are **DISMISSED** with respect to Defendants Schwinghammer, Green, Dudley, and Outlaw.
2. Counts III, VII, XIV, XV, XVI, and XXI are **DISMISSED** with respect to Defendants Green, Dudley, and Outlaw.
3. Counts IX, X, XI, and XII are **DISMISSED** in their entirety.

It is **FURTHER ORDERED** that Paragraphs 222-235 and 249-250 are **STRICKEN** from Plaintiff's Fourth Amended Complaint.

BY THE COURT:

S/ BRUCE W. KAUFFMAN
BRUCE W. KAUFFMAN, J.

