

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

RAYMOND PELZER,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO. 07-38
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants	:	

ORDER

STENGEL, J.

AND NOW, this 31st day of August, 2009, upon consideration of the defendants’ motion for summary judgment (Document #38), it is hereby **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. With respect to the Section 1983 claims against Officer Burton, Commissioner Johnson, and the City, the motion is **DENIED**;
2. With respect to the failure to train claims against Commissioner Johnson and the City of Philadelphia, the motion is **DENIED**;
3. With respect to the state law claims against Officer Burton, the motion is **DENIED**;
4. With respect to the state law claims against Commissioner Johnson and the City, the motion is **GRANTED**.

BY THE COURT:

/s/ Lawrence F. Stengel
 LAWRENCE F. STENGEL, J.