

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

STACY SNYDER,	:	
Plaintiff	:	CIVIL ACTION
	:	
v.	:	NO.: 07-1660
	:	
MILLERSVILLE UNIVERSITY, J. BARRY	:	JURY TRIAL DEMANDED
GIRVIN, DR. JANE S. BRAY, and DR. VILAS	:	
A. PRABHU,	:	
Defendants	:	

PLAINTIFF’S ANSWER TO DEFENDANTS’ MOTION TO DISMISS

Plaintiff, Stacy Snyder, by and through her undersigned counsel, hereby answers Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint as follows:

1. Denied. For the reasons stated in the attached Memorandum of Law, Plaintiff’s Complaint states a cause of action against Defendants under 42 U.S.C. §1983. Among other reasons, the 11th Amendment and *Will v. Michigan Department of State Police* do not confer immunity upon Defendants for Plaintiff’s claims under other Amendments to the Constitution, particularly the First, Fifth and 14th Amendments.

2. Denied. Per the accompanying Memorandum of Law, Plaintiff properly states a procedural due process claim against Defendants under the Fifth and 14th Amendments since Defendants expelled Plaintiff from its School of Education without anything remotely approaching reasonable prior notice and a fair hearing.

3. Denied. As her Memorandum of Law sets forth, Plaintiff states a First Amendment claim against Defendants since her posting the photograph and caption in question on her web page constitutes both proper free expression and Constitutionally-protected free speech.

4. Denied. As discussed in her Memorandum of Law, qualified immunity does not bar Plaintiff's §1983 claims against the individual Defendants for their obvious, intentional violations of Plaintiff's Constitutional rights.

5. Denied. Per the accompanying Memorandum of Law, Plaintiff's state law claims against Defendants are not barred by sovereign immunity.

WHEREFORE, Plaintiff, Stacy Snyder, respectfully requests this Honorable Court **DENY** Defendants' Motion to Dismiss the Amended Complaint.

Dated: 9/4/07

LAW OFFICE OF MARK W. VOIGT

By: _____

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MARK W. VOIGT, ESQUIRE

Attorney ID No.: 64387

Validation of Signature Code: MWV6003

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(Attorney for Plaintiff, Stacy Snyder)