

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

DAVID CALHOUN

Plaintiff,

v.

KENYA MANN, JOEL GOLDSTEIN  
and CYNTHIA DAUB,

Defendants.

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CIVIL ACTION

NO. 08-458

**MEMORANDUM AND ORDER**

By order of this court dated January 22, 2009 (Docket No. 38), plaintiff's motion for reconsideration (Docket No. 30) was held in abeyance only as to defendant Daub so that his response to defendant Daub's motion to dismiss could be considered. That response was filed on February 23, 2009 but plaintiff had filed a notice of appeal on January 28, 2009 (Docket No. 39). That appeal was ultimately dismissed for lack of appellate jurisdiction (Docket No. 51) but a final order on the motion for reconsideration was never entered. Plaintiff now has counsel, and at a conference held with counsel for all parties on February 19, 2014, it was agreed that the motion for reconsideration (Docket No. 30) should be ruled on by the court.

Having reviewed the court opinion of January 22, 2009 (Docket No. 38) setting forth the basis for denial of the motion for reconsideration as to two of the defendants, and having reviewed the plaintiff's response to Daub's motion to dismiss (Docket No. 42), the court finds no basis to reconsider its memorandum and order of December 18, 2008 (Docket No. 29) dismissing all three defendants.

For the reasons set forth in the opinion of January 22, 2009 (Docket No. 38) the court enters the following order:

**AND NOW**, this 19<sup>th</sup> day of February, 2014, it is hereby **ORDERED** that the motion to reconsider the dismissal of defendant Daub (Docket No. 30) is **DENIED**.

BY THE COURT:

*Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.