

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

DONOVAN EDWARDS, et al. : CIVIL ACTION
: :
v. : :
: :
CITY OF EASTON, et al. : NO. 08-cv-1524-JF

ORDER

AND NOW, this 10th day of September 2009, upon consideration of Defendants' pending motions to dismiss and Plaintiff's responses thereto,

IT IS ORDERED:

1. All claims asserted by Plaintiff's company, Value in Partnership Development Company, LLC, are DISMISSED.
2. Defendants City of Easton and Officer Brian Herncane's Motion to Dismiss (Document Number 13) is GRANTED IN PART and DENIED IN PART as follows:
 - a. Count III is DISMISSED to the extent that it asserts a substantive due process claim against the City of Easton Code Enforcement Office.
 - b. Count VI is DISMISSED to the extent that it asserts a procedural due process claim for the seizure of Plaintiff's van.
 - c. Counts XIII, XIV, XV, XIX, and XX are DISMISSED to the extent that they are asserted against the City of Easton, its agencies, or its employees in their official capacities.
 - d. In all other respects, the motion is DENIED.
3. Defendants County of Northampton, Northampton County District Attorney's Office, John Morganelli, Northampton County Pre-trial Services, and Arky Colon's Motion to Dismiss (Document Number 28) is GRANTED IN PART and DENIED IN PART as follows:
 - a. As against the District Attorney's Office and John Morganelli, Counts II, III, IV, IX, XIII, XIV, XVI, XIX, and XX are DISMISSED.

- b. Count VII is DISMISSED.
- b. In all other respects, the motion is DENIED.

4. Defendant Rachel Haddad's Partial Motion to Dismiss (Document Number 40) is DENIED.

5. All dismissals are WITHOUT PREJUDICE, and Plaintiff is GRANTED LEAVE TO FILE AN AMENDED COMPLAINT within 30 days of the date of this Order.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.