

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

_____	:	
JAMES HARRIS,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 08-2126
	:	
MICHAEL PAIGE	:	
	:	
and	:	
	:	
CITY OF PHILADELPHIA,	:	
	:	
Defendants.	:	
_____	:	

**ORDER**

**AND NOW**, this 22nd day of September, 2009, upon consideration of Defendant Michael Paige’s Motion to Dismiss and Strike (Doc. No. 27), and the Response in opposition thereto, it is hereby **ORDERED** that said Motion is **DENIED IN PART** and **GRANTED IN PART**. The Motion to Dismiss Counts I, II, III, V, VI, VII, VIII, IX, X, XI, and XII is **DENIED**. The Motion is **GRANTED** with respect to Count IV. It is further **ORDERED** that:

1. Plaintiff James Harris’s request for attorneys’ fees is **DENIED**;
2. Plaintiff James Harris’s Praecipe to Enter Default Judgment Against Defendant Michael Paige (Doc. No. 28) is **DENIED**;
3. Defendant Michael Paige’s Motion to Strike Plaintiff’s Praecipe to Enter Default Against Defendant Michael Paige (Doc. No. 30) is **DENIED** as moot; and
4. Defendant Michael Paige shall answer the Complaint within twenty (20) days of

the date of this Order.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE