

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

NADINE PELLEGRINO AND  
HARRY WALDMAN, :  
 :  
 :  
 Plaintiffs, : CIVIL ACTION  
 :  
 :  
 v. : NO. 09-CV-5505  
 :  
 :  
 UNITED STATES OF AMERICA :  
 TRANSPORTATION SECURITY :  
 ADMINISTRATION, et. al., :  
 :  
 :  
 Defendants. :

FILED  
FEB 28 2012  
MICHAEL R. KONZ, Clerk  
Dep. Clerk

ORDER

AND NOW, this 27<sup>th</sup> day of February, 2012, upon consideration of Defendants' Motion to Dismiss the Third Amended Complaint (Doc. No. 40), Plaintiff's Response in opposition thereto (Doc. No. 63), Defendants' Reply (Doc. No. 66) and Plaintiff's Sur-Reply (Doc. No. 76), it is hereby ORDERED that

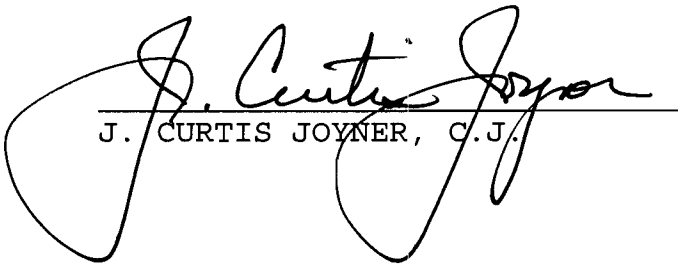
- (1) The Motion is DENIED as to the following claims:
  - (A) Plaintiff Pellegrino's Claims for Property Damage, False Arrest/Imprisonment, Malicious Prosecution and Civil Conspiracy under the Federal Torts Claim Act (FTCA) Against Defendant United States;
  - (B) Plaintiff Pellegrino's *Bivens* Claims for Malicious Prosecution and Conspiracy to Engage in Malicious Prosecution under the First and Fourth Amendments Against Defendants TSOs Abdul-Malik and Labbee in their individual capacities;
  - (C) Plaintiffs' Claim Against Defendant U.S.

Transportation Security Administration (TSA) for  
Failure to Comply with Request for Records  
Pursuant to the Freedom of Information Act (FOIA)  
and the Privacy Act;

(2) The Motion is GRANTED as to all other potential claims  
and those claims are DISMISSED;

(3) Defendant TSA is directed to produce a Vaughn Index for  
the remaining withheld documents pertaining to Plaintiff  
Pellegrino within 45 days of the date of this Order.

BY THE COURT:

  
J. CURTIS JOYNER, C.J.