

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

FRANK HYMAN	:	
	:	
Plaintiff,	:	
	:	Civil Action
v.	:	
	:	10-499
COMMISSIONER LOUIS GIORLA,	:	
et. al.	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 5th day of March 2014, upon consideration of defendants' motion for summary judgment (doc. no. 53) and plaintiff's response (doc. no. 54) thereto, **IT IS HEREBY ORDERED:**

1. Defendants' motion for summary judgment is **GRANTED** as to **COUNT II** of plaintiff's complaint;
2. Defendants' claims against the individual defendants in their official capacities are **DISMISSED**;
3. Defendants' motion is otherwise **DENIED**;
4. Count I of plaintiff's complaint shall proceed to trial against the City of Philadelphia and the individual defendants in their individual capacities.

BY THE COURT

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.