

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

ROBERT C. LONG, SR. &	:	
JANET V. LONG,	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	
	:	
BRISTOL TOWNSHIP, <i>et al.</i> ,	:	NO. 10-1069
	:	
Defendants.	:	

ORDER

AND NOW, this 11th day of July, 2012, upon consideration of Defendants’ Motion for Summary Judgment (Docket No. 55), and Plaintiff’s Response in Opposition (Docket No. 60), it is hereby **ORDERED** that Defendants’ Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants’ Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs’ claims allege deprivations of their Fifth Amendment due process rights (Count I);
2. Defendants’ Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs’ claims allege deprivations of their Fourteenth Amendment procedural due process rights (Count I);
3. Defendants’ Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs’ claims allege deprivations of their Fourteenth Amendment substantive due process rights (Count I);
4. Defendants’ Motion is **DENIED** to the extent Plaintiffs’ claims allege deprivations of their Fourteenth Amendment equal protection rights (Count II);
5. Defendants’ Motion is **GRANTED and JUDGMENT IS ENTERED** in their favor to the extent Plaintiffs’ claims allege an unconstitutional taking of their property (Count III);
6. Defendants’ Motion is **DENIED AS MOOT** to the extent Plaintiffs’ claims allege a civil

conspiracy (Count IV);¹

7. Defendants' Motion, to the extent it asserts Plaintiffs have failed to establish the presence of municipal liability on the part of Bristol Township, is **DENIED**;
8. Summary judgment is **DENIED AS MOOT** on all claims asserted against Defendant Peggy Horvath as she is since deceased;²
9. Summary judgment is **GRANTED** on all claims asserted against Defendants Al Burgess, Ronald Marczak, Joseph Champey, and John Gushue for actions taken in their individual capacities as they are entitled to judicial immunity **and JUDGMENT IS ENTERED** in their favor;
10. Summary judgment is **GRANTED** on all claims asserted against Defendant Wendy Margulies for actions taken in her individual capacity **and JUDGMENT IS ENTERED** in her favor;
11. Summary judgment is **DENIED** on all claims asserted against Defendant Glenn M. Kucher for actions taken in his individual capacity;
12. Summary judgment is **GRANTED** on all claims asserted against Defendants Tina Davis, John Monahan, and Linda Tarlini for actions taken in their individual capacities as they are entitled to qualified immunity **and JUDGMENT IS ENTERED** in their favor;
13. Plaintiffs' request for punitive damages is **DENIED** as to all § 1983 claims asserted against Bristol Township as an entity. Plaintiffs' request for punitive damages as to the individually named defendants—*i.e.*, Defendant Kucher—may proceed forward to trial.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.

¹ In their Response in Opposition (Docket No. 60), Plaintiffs withdraw their conspiracy claims set forth in their Complaint. (See Pls.' Resp. Opp'n 19.)

² In their Response in Opposition (Docket No. 60), Plaintiffs withdraw their claims asserted against Defendant Peggy Horvath on the basis that she is since deceased. (See Resp. Opp'n 20.)