

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

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|--------------------------------------|---|--------------------------|
| LATRICE MILBOURNE, | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | NO. 11-cv-1866-JD |
| | : | |
| RONALD BAKER, BADGE # 6446; | : | |
| JUSTIN MONTGOMERY, BADGE # | : | |
| 9236; CITY OF PHILADELPHIA | : | |
| POLICE DEPARTMENT; CITY OF | : | |
| PHILADELPHIA; ALBERT G. HITE, | : | |
| | : | |
| Defendants. | : | |
| | : | |

ORDER

AND NOW, this 23rd day of May, 2012, upon consideration of Plaintiff's Motion for Summary Judgment (Document No. 14, filed January 12, 2012), Defendants' Motion for Partial Summary Judgment (Document No. 16, filed January 13, 2012), Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment (Document No. 17, filed February 3, 2012), and Plaintiff's Response to Defendants' Motion for Summary Judgment (Document No. 18, filed February 10, 2012), for the reasons set forth in the Memorandum dated May 23, 2012, **IT IS ORDERED** as follows:

1. Defendants' Motion for Partial Summary Judgment is **GRANTED** with respect to:
 - a. All Claims against the City of Philadelphia Police Department;
 - b. All claims against the City of Philadelphia;

- c. Count II, a claim under 42 U.S.C. § 1983 for illegal seizure against Detective Montgomery; and
- d. That part of Count IV that asserts a claim under § 1983 for malicious prosecution against Detective Montgomery.

- 2. Defendants’ Motion for Partial Summary Judgment is **DENIED** in all other respects.
- 3. Plaintiff’s Motion for Summary Judgment is **DENIED**.

IT IS FURTHER ORDERED that, by reason of the forgoing, the caption of the case is amended to read as follows:

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| <p>LATRICE MILBOURNE,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 80px;">v.</p> <p>RONALD BAKER, BADGE # 6446; JUSTIN MONTGOMERY, BADGE # 9236; and ALBERT G. HITE,</p> <p style="padding-left: 40px;">Defendants.</p> | <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> | <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">NO. 11-cv-1866-JD</p> |
|---|--|---|

IT IS FURTHER ORDERED a scheduling conference will be convened in due course.

BY THE COURT:

 /s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.