

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

COLLEEN YARNALL, et al.,	:	
Plaintiffs	:	CIVIL ACTION
v.	:	
	:	NO. 11-3130
PHILADELPHIA SCHOOL	:	
DISTRICT, et al.	:	
	:	

ORDER

AND NOW, this 4th day of April, 2013, having considered Defendant Philadelphia Federation of Teachers Union's Motion for Partial Summary Judgment and Motion to Dismiss (Doc. #35), Defendants School District of Philadelphia, Arlene Ackerman, Shirl E. Gilbert, Diane Campbell Hathaway, and Shirl. A Ishmael's Motion to Dismiss (Doc. #36, 38), Defendant Charles Ray III's Motion for Partial Summary Judgment and Motion to Dismiss (Doc. #65), Plaintiffs' Responses in Opposition thereto (Doc. #52, 53, 66), and for the reasons detailed in the accompanying Memorandum, it is hereby ORDERED that the motions are GRANTED IN PART and DENIED IN PART as follows:

1. Defendants' Motion to Dismiss Plaintiffs' Title VII gender discrimination and Title VII retaliation claims is GRANTED.
2. Defendants' Motion to Dismiss Plaintiffs' Title VII race discrimination claims is DENIED.
3. Defendants' Motion to Dismiss Plaintiffs' PHRA claims is DENIED.
4. Defendants' Motion to Dismiss Plaintiffs' ADEA claims is GRANTED.

5. Defendants' Motion to Dismiss Plaintiffs' state tort claims of defamation, libel and slander, invasion of privacy, tortious interference with contractual relations, intentional and negligent infliction of emotional distress, negligent hiring and supervision, and civil conspiracy is GRANTED.
6. Defendants' Motion to Dismiss the derivative Loss of Consortium claims is GRANTED.
7. Defendants' Motion to Dismiss Plaintiffs' Section 1983 claims is GRANTED as to Defendants Philadelphia School District and Philadelphia Federation Teachers Union.
8. Defendants' Motion to Dismiss Plaintiffs' Section 1983 claims is GRANTED as to Defendants Ackerman and Hathaway.
9. Defendants' Motion to Dismiss Plaintiffs' Section 1983 claims is DENIED as to Defendant Ray.
10. Defendants' Motion to Dismiss Plaintiffs' Section 1983 retaliation claims is GRANTED as to Defendants Ishmael and Gilbert.

/s/ L. Felipe Restrepo

Hon. L. Felipe Restrepo

U.S. Magistrate Judge