

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

| | |
|--|---|
| <p>ROBERT GORMAN, Plaintiff,</p> <p style="text-align:center">v.</p> <p>JOSEPH BAIL, et al., Defendants.</p> | <p style="text-align:center">CIVIL ACTION</p> <p style="text-align:center">NO. 11-6340</p> |
|--|---|

**ORDER GRANTING, IN PART, AND DENYING, IN PART, DEFENDANTS' MOTION
TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

AND NOW, this 23rd day of May 2013, after review of Defendants' motions to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) (the "Motion") (ECF 25) and Plaintiff's Response (ECF 28), it is hereby **ORDERED** that Defendants' Motion is:

1. GRANTED, in part, and the following claims in Plaintiff's Second Amended Complaint (ECF 22) are DISMISSED WITH PREJUDICE
 - a. "Counts" 1 through 3, claiming violations of
 - i. The Fourth Amendment for unlawful search and seizure, and
 - ii. The First Amendment for retaliation against protected speech; and
 - b. "Counts" 9, 10, and 12, claiming violations of state law for
 - i. False imprisonment,
 - ii. Malicious prosecution, and
 - iii. Invasion of privacy.
2. DENIED, in part, with respect to
 - a. "Counts" 4 and 5, claiming violations of

- i. The Fourteenth Amendment for denial of procedural due process, and
 - ii. Section 1983 for conspiracy; and
3. “Counts” 11 and 13, claiming violations of state law for
 - a. Abuse of process, and
 - b. Conspiracy; and
4. Dismissal of the City of Chester as a defendant in this case

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.