



1. Defendants' Motion to Dismiss is **GRANTED** as to Counts III, IV, and V; those Counts are **DISMISSED** as follows:

a. Count III is **DISMISSED WITH PREJUDICE**.

b. Counts IV and V **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to amend the Complaint if warranted by the facts. Any amended complaint shall be filed and served on or before May 30, 2012. One (1) copy of any amended complaint shall be served on the Court (Chambers, Room 12613) when the original is filed.

2. Defendants' Motion to Dismiss is **GRANTED** as to all claims against the City of Philadelphia Police Department and all claims for punitive damages against the City of Philadelphia.

3. Defendants' Motion to Dismiss is **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that Count II of plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

**BY THE COURT:**

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