

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

KSENIYA GJEKA, A/K/A KSENIYA  
MELNYCHENKO,

Plaintiff,

v.

DELAWARE COUNTY COMMUNITY  
COLLEGE

and

JOHN PRESTON,

Defendants

CIVIL ACTION  
NO. 12-4548

**ORDER**

**AND NOW**, this 23rd day of May 2013, upon consideration of John Preston's Motion to Dismiss for Failure to State a Claim (Doc. No. 19), Delaware County Community College's Motion to Dismiss for Failure to State a Claim (Doc. Nos. 21, 22), Plaintiff's Response in Opposition to Delaware County Community College's Motion to Dismiss for Failure to State a Claim (Doc. No. 23), Plaintiff's Response in Opposition to John Preston's Motion to Dismiss for Failure to State a Claim (Doc. No. 24), and Delaware County Community College's Reply to Plaintiff's Response in Opposition to Delaware County Community College's Motion to Dismiss for Failure to State a Claim (Doc. No. 25), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. Defendant Delaware County Community College's Motion to Dismiss (Doc. Nos. 21 and 22) is **GRANTED IN PART AND DENIED IN PART**. The Motion to Dismiss is **GRANTED** on Counts 1, 2, 3, 4, 5, 6, 7, and 9. The Motion to Dismiss is **DENIED** on Count 8.

2. Defendant Preston's Motion to Dismiss for Failure to State a Claim (Doc. No. 19) is **GRANTED** in its entirety.
3. Defendant John Preston is dismissed as a party in this action.
4. This case shall be remanded to the Court of Common Pleas of Delaware County.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.