

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

EVERETT K. TERRY,
Plaintiff

v.

YEADON BOROUGH, et al.,
Defendants.

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CIVIL ACTION NO. 12-6205

ORDER

AND NOW, this 13th day of December 2013, upon consideration of Defendants' Motion to Dismiss the Amended Complaint, it is hereby **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part** as follows:

1. The Motion is **GRANTED** as to Yeadon Borough and the Yeadon Borough Council, and the claims against those Defendants are **DISMISSED WITHOUT PREJUDICE**.
2. The Motion is **DENIED** as to the Individual Defendants.
3. Plaintiff is granted leave to file a second amended complaint in conformity with the accompanying Memorandum Opinion no later than January 6, 2014. If Plaintiff does not file a second amended complaint, then the Individual Defendants shall file an answer to the Amended Complaint no later than January 20, 2014.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.