

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

JOHN R. WOODEN	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
	:	
PENNSYLVANIA LIQUOR CONTROL BOARD, et al.	:	NO. 13-3498
Defendants.	:	

ORDER

AND NOW, this 24th day of March, 2015, upon consideration of the Motion of Defendants, the Pennsylvania Liquor Control Board (“the Board”) and Joseph Brion, Jeffrey Lawrence, Frank Miller, and William J. Oleszek, to Dismiss Plaintiff’s Second Amended Complaint (ECF Document 19), defendants’ brief in support thereof, plaintiff’s opposition thereto, and defendants’ reply, and following oral argument, for the reasons provided in the accompanying Memorandum, it is hereby **ORDERED** that Defendants’ motion (Doc. 19) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Defendants’ motion (Doc. 19) is **DENIED** as **MOOT** with regard to plaintiff’s claims against Defendants Brion, Lawrence, Miller, and Oleszek (“Individual Defendants”) in their official capacities and the Board, since plaintiff has withdrawn those claims. *See* Tr. Oral Arg. 12/15/14, at 3. Accordingly, plaintiff’s claims against the Individual Defendants in their official capacities and the Board are **DISMISSED**;

2. Defendants’ motion to dismiss (Doc. 19) on the basis of issue preclusion is **DENIED**;

3. Defendants’ motion to dismiss (Doc. 19) is **GRANTED** insofar as defendants

claim plaintiff's Second Amended Complaint fails to sufficiently state a claim for relief.

Accordingly, plaintiff's Second Amended Complaint is **DISMISSED** without prejudice to plaintiff's right to amend the Second Amended Complaint on or before 20 days from the date of this Order, if he can do so under the confines of Fed. R. Civ. P. 11(b). Otherwise, the Second Amended Complaint is dismissed with prejudice.

BY THE COURT:

s/ L. Felipe Restrepo

L. FELIPE RESTREPO
UNITED STATES DISTRICT JUDGE