

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

FLORENCE ELIZABETH MASON, et al.,

CIVIL ACTION

Plaintiff,

v.

No. 13-5163

THE CITY OF PHILADELPHIA, et al.,

Defendants.

ORDER

AND NOW, this 22nd day of September, 2014, upon consideration of Defendants, City of Philadelphia (the "City"), Police Commissioner Charles Ramsey ("Commissioner Ramsey"), the City of Philadelphia Police Department (the "PPD"), and PPD Officers Fleming, Fredricsdorf, Kopecki ("Lt. Kopecki"), Whaley ("Lt. Whaley"), Tees ("Lt. Tees"), Hummel, Lamdherr, Medycki, Riddick, Long, Kensy and Lackey's (collectively, the "Moving Defendants"), Motion to Dismiss the Complaint of Florence Elizabeth Mason ("Plaintiff"), in her own right and on behalf of, Vincent T. Mason, Jr., and Crystal Mason^1 (Doc. No. 17), and Plaintiff's Response, it is hereby ORDERED that said Motion is GRANTED in part and

^1 Vincent Mason Jr. ("Vincent Jr.") and Crystal Mason ("Crystal") are Florence Mason's children who were apparently minors at the time of the incidents at issue. In a previous Memorandum Opinion, we dismissed Vincent Jr. and Crystal as Plaintiffs in this action. (See Doc. No. 55.)

DENIED in part as follows:

- (1) all claims against Defendants, Miston, Diguisse, Larks, Sath, and Meril, are dismissed;
- (2) all claims, including both 42 U.S.C. § 1983 (“§ 1983”) and state law claims, against Commissioner Ramsey, and PPD Officers Fleming, Fredricsdorf, Lamdherr, Medycki, Riddick, Long, Kensy, and Lackey, are dismissed;
- (3) all claims, including both § 1983 and state law claims, against Lt. Kopecki are dismissed;
- (4) all claims, including both § 1983 and state law claims, against Officer Hummel are dismissed;
- (5) all claims, including Plaintiff’s § 1983 claim against Lt. Tees for supervisory liability, are dismissed;
- (6) Moving Defendants’ Motion to Dismiss Plaintiff’s § 1983 claims against Lt. Whaley is denied;
- (7) Moving Defendants’ Motion to Dismiss the state law claims of false arrest, false imprisonment, malicious prosecution, assault and battery, and loss of consortium against Lt. Whaley is granted;
- (8) Moving Defendants’ Motion to Dismiss the state law claim of intentional infliction of emotional distress against Lt. Whaley is denied;
- (9) All claims, including Plaintiff’s § 1983 claim, against the PPD are denied; and

(10) All claims, including Plaintiff's § 1983 claim, against the City are denied.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE