

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

BRIDGET SIMONDS	:	CIVIL ACTION
	:	NO. 13-7565
v.	:	
	:	
DELAWARE COUNTY, et al.	:	

ORDER

AND NOW, this 21st day of January, 2015, upon consideration of defendants Delaware County, Community Education Centers, Inc., Phillips, Mullan (incorrectly identified as “Mutian”) and Craig’s motions to dismiss plaintiff’s second amended complaint (Dkt. Nos. 21, 25) and plaintiff’s responses (Dkt. Nos. 22, 27), it is ORDERED that the motions are GRANTED IN PART and DENIED IN PART as follows. Defendants’ motions are GRANTED to the extent that they seek dismissal of: (a) plaintiff’s claims in Count III of her second amended complaint against defendants Delaware County and Community Education Centers, Inc.; (b) plaintiff’s conspiracy claim against defendants in Count II of her second amended complaint. The foregoing claims are DISMISSED. Additionally, plaintiff’s claims against defendants Dixon and Lynch are DISMISSED without prejudice to refiling. Defendants’ motions are DENIED in all other respects.

It is FURTHER ORDERED that, to the extent that she is able to allege facts sufficient to support her conspiracy claim set forth in Count II of her second amended complaint and consistent with the accompanying memorandum of law, plaintiff may file a third amended complaint on or before February 2, 2015. Should plaintiff not file a third amended complaint on or before that date, the parties shall agree upon a schedule for discovery and the filing of summary judgment motions and shall submit their proposed schedule to the Court for approval on or before February 9, 2015.

s/Thomas N. O’Neill, Jr.

THOMAS N. O’NEILL, JR., J.