

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

CHRISTOPHER H. WEST	:	CIVIL ACTION
	:	NO. 14-5210
v.	:	
	:	
WARDEN MCFADDEN, et al.	:	

ORDER

AND NOW, this 30th day of April, 2014, upon consideration of defendant Dr. Victoria Gessner's motion to dismiss plaintiff Christopher H. West's complaint, Dkt. No. 11, and plaintiff's response thereto, Dkt. No. 14, and consistent with the accompanying memorandum of law, it is ORDERED that Dr. Gessner's motion is GRANTED IN PART and DENIED IN PART as follows:

1. the motion is GRANTED to the extent that it seeks dismissal of plaintiff's claims for sexual harassment and negligent infliction of emotional distress. Plaintiff's sexual harassment claim and his claim for negligent infliction of emotional distress are DISMISSED with leave to amend to the extent that plaintiff can allege circumstances sufficient to trigger Dr. Gessner's liability;
2. the motion is DENIED in all other respects.

It is FURTHER ORDERED that the demand in plaintiff's complaint for "one million U.S. dollars for each day that he was tortured" is STRICKEN in accordance with Rule 5.1.1 of the Local Rules of Civil Procedure.

Plaintiff may file an amended complaint consistent with this Order on or before May 13, 2015. Any amended complaint shall not include a request for a specified amount of monetary

damages. If plaintiff files an amended complaint, defendants shall file a responsive pleading within fourteen days thereafter.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.