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

DALE W. THORPE and RENEE M. : THORPE, : Plaintiffs, : v. : UPPER MAKEFIELD TOWNSHIP, et al : Defendants. :

CIVIL ACTION NO. 14-6154

<u>ORDER</u>

AND NOW, this 5th day of November 2015, upon consideration of Defendants' Motion to Dismiss or for Summary Judgment [Doc. No. 15] and the responses and replies thereto, it is hereby ORDERED that the Motion is GRANTED in part and DENIED in part as follows: All claims against Defendant Kernan are DISMISSED, Count V is DISMISSED as to Upper Makefield Township, and Count IV is DISMISSED against all Defendants. The Motion is otherwise DENIED.

It is further **ORDERED** that Plaintiffs are granted leave to file a motion for leave to file an Amended Complaint within **21 days** of the date of this Order. If Plaintiffs choose to file such a motion, it must include a proposed Amended Complaint as an exhibit. If Plaintiffs do not file a motion for leave to file an Amended Complaint, then Defendants shall answer the Complaint within **28 days** of the date of this Order.

It is so **ORDERED.**

BY THE COURT: /s/Cynthia M. Rufe <u>CYNTHIA M. RUFE, J.</u>