

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

ALEXANDER SCHUTT, <u>et al.</u>,	:	
	:	CIVIL ACTION
	:	
Plaintiffs,	:	
v.	:	No. 15-2731
	:	
MELMARK, INC., <u>et al.</u>,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 9th day of May, 2016, upon consideration of “Defendants’ Motion to Dismiss Plaintiffs’ Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)” (Doc. No. 4), the response and reply thereto, it is hereby **ORDERED** that Defendants’ motion to dismiss is **GRANTED** in part and **DENIED** in part as follows:

- The motion is **GRANTED** with respect to Count 1 (section 1983). Count 1 is dismissed without prejudice.
- The motion is **GRANTED** with respect to Count 2 (section 1985). Count 2 is dismissed without prejudice.
- The motion is **GRANTED** with respect to Count 4 (Negligence Per Se). Count 4 is dismissed without prejudice.
- The motion is **DENIED** with respect to Count 5 (IIED by Schutt).
- The motion is **GRANTED** with respect to Count 6 (IIED by Schutt’s parents). Count 6 is dismissed without prejudice.
- The motion is **GRANTED** as unopposed with respect to Count 7 (Professional Malpractice). Count 7 is dismissed without prejudice.

- The motion is **DENIED** with respect to Plaintiffs' request for punitive damages.
- If possible, Plaintiffs may file an amended complaint to attempt to cure the deficiencies explained in this order within thirty (30) days.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.