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

GERALD DENITHORNE, JR. CIVIL ACTION

> Plaintiff, :

NO. 15-5220 v.

JEFFREY INGEMIE, et al.,

Defendants.

ORDER

AND NOW, this 24th day of February, 2016, upon consideration of Defendant Wigginton's Motion to Dismiss Plaintiff's Complaint (Doc. No. 15) and any response thereto, it is hereby **ORDERED** that:

- 1. Count II and Count V of the Plaintiff's Complaint against Defendant Wigginton are **DISMISSED** with **PREJUDICE**;
- 2. Defendant Wigginton's Motion is **GRANTED without prejudice** with regards to Plaintiff's claim for intentional infliction of emotional distress as contained in Count IV of his Complaint;
- 3. Defendant Wigginton's Motion is **GRANTED with prejudice** with regards to Plaintiff's claim for defamation as contained in Count IV of his Complaint; and
- 4. Defendant Wigginton's Motion is **DENIED** with regards to Plaintiff's claims for assault and battery and malicious prosecution as contained in Count IV of his Complaint.

BY THE COURT:

s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.