

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

**R.V. Individually and On Behalf of S.V-W.,  
a Minor,**

**Plaintiff,**

**v.**

**PEDRO A. RIVERA, COMMONWEALTH  
OF PENNSYLVANIA,  
COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
EDUCATION,**

**Defendants.**

**CIVIL ACTION**

**NO. 16-2277**

**ORDER**

**AND NOW**, this 5th day of December, 2016, upon consideration of Defendants' motion to dismiss for failure to state a claim (ECF No. 5), the opposition thereto (ECF No. 13) as amended (ECF No.'s 18 and 19), the reply (ECF No. 14), and sur-reply (ECF No. 17), it is hereby **ORDERED** that the motion to dismiss is **DENIED**.

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**