

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

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|--------------------------------|---|--------------|
| JOHN DOE | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| THE TRUSTEES OF THE UNIVERSITY | : | |
| OF PENNSYLVANIA | : | NO. 16-5088 |

ORDER

AND NOW, this 13th day of September, 2017, upon consideration of Defendant The Trustees of the University of Pennsylvania’s Motion to Dismiss (Docket No. 19), and all documents filed in connection therewith, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** insofar as it seeks dismissal of Counts IV, VI, VII, and VIII; the portion of Count I that claims that Defendant breached contractual obligations with respect to fairness, notice, the preponderance of the evidence standard, an impartial hearing, the recommended sanctions, appeal, and racial discrimination or bias; and the portion of Count II that asserts a Title IX violation grounded on a deliberate indifference theory. Counts IV, VI, VII and VIII, and the specified portions of Counts I and II are therefore **DISMISSED**.
2. The Motion is **DENIED** insofar as it seeks dismissal of Count V; the portion of Count I that is grounded on alleged breaches of contractual obligations to conduct a

thorough investigation, to train investigators and hearing officers, and to provide a process that is free of gender bias or gender discrimination; and the portion of Count II that asserts a Title IX violation grounded on erroneous outcome and selective enforcement theories.

BY THE COURT:

/s/ John R. Padova, J.

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