

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

RAYMOND SAMUEL DAVENPORT, III	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 17-1616
	:	
POTTSTOWN HOSPITAL COMPANY LLC, et al.	:	

ORDER

AND NOW, this 18th day of July 2017, upon considering Pottstown Hospital Company, LLC d/b/a Pottstown Memorial Medical Center's Motion to Dismiss the amended complaint against it (ECF Doc. No. 14), Mr. Davenport's Response (ECF Doc. No. 17), Defendant's Reply (ECF Doc. No. 18) and for reasons in the accompanying Memorandum, it is **ORDERED** the Motion to Dismiss (ECF Doc. No. 14) is **GRANTED in part and DENIED in part**:

1. We **GRANT** Defendant's Motion to Dismiss the § 1983 First and Second Amendment claims, the supervisory liability *Monell* claim and Pennsylvania medical and corporate negligence claims **without prejudice** to be replead, if possible under the law, in a second amended complaint filed on or before **August 18, 2017**;
2. We **DENY** Defendant's Motion to Dismiss the state law claim for intentional infliction of emotional distress; and,
3. Absent an amended complaint filed on or before **August 18, 2017**, Defendant shall file an answer no later than **August 25, 2017**.



 KEARNEY, J.