

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

**A.B and C.B., on behalf of minor child D.B.,
Plaintiffs,**

CIVIL ACTION

v.

**TREDYFFRIN/EASTTOWN SCHOOL
DISTRICT, and
AMY A. MEISINGER,
Defendants.**

NO. 17-2581

ORDER

AND NOW, this 8th day of June, 2018, upon consideration of Motion to Dismiss of Defendants Tredyffrin/Easttown School District and Amy A. Meisinger Pursuant to F.R.C.P. 12(b)(6) (Document No. 7, filed August 14, 2017), Plaintiffs' Response in Opposition to Motion to Dismiss of Defendants Tredyffrin/Easttown School District and Amy A. Meisinger Pursuant to F.R.C.P. 12(b)(6) (Document No. 11, filed September 7, 2017), and Defendants' Reply Brief in Support of Its Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) (Document No. 12, filed September 14, 2017), for the reasons set forth in the accompanying Memorandum dated June 8th, 2018, **IT IS ORDERED** that Defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of Defendants' Motion to Dismiss which seeks to dismiss claims under 42 U.S.C. § 1983 under the theory that the School District was deliberately indifferent in failing to train employees with respect to impermissible contact and other interactions with students and in failing to train employees to detect and report when other employees engage in such misconduct is **DENIED WITHOUT PREJUDICE** to defendants' right to raise the issues presented in the Motion after the completion of discovery by motion for summary judgment and/or at trial;

2. That part of Defendants' Motion to Dismiss which seeks to dismiss claims under 42 U.S.C. § 1983 under all other theories of municipal liability is **GRANTED WITHOUT PREJUDICE**;
3. That part of Defendants' Motion to Dismiss which seeks to dismiss claims against Dr. Amy A. Meisinger is **DENIED WITHOUT PREJUDICE** to defendants' right to raise the issues presented in the Motion after the completion of discovery by motion for summary judgment and/or at trial;
4. That part of Defendants' Motion to Dismiss which seeks to dismiss claims under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et. seq.* ("Title IX") is **DENIED WITHOUT PREJUDICE** to defendants' right to raise the issues presented in the Motion after the completion of discovery by motion for summary judgment and/or at trial.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled in due course. Discovery may proceed in the interim.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.