

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

<p><b>C.T., A MINOR, BY CLEMENSTINE SMITH, GUARDIAN</b></p> <p style="text-align:center"><b>v.</b></p> <p><b>DELEPLAINE MCDANIEL SCHOOL, ET AL.</b></p>	<p><b>CIVIL ACTION</b></p> <p><b>NO. 17-4463</b></p>
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**ORDER RE: MOTION TO DISMISS**

AND NOW, having considered the Motion to Dismiss the Complaint (ECF 2) of Defendants McDaniel School, the School District, and Collier-Bacon, and the response thereto, and for the reasons explained in the foregoing memorandum, it is hereby ORDERED that:

1. Count III of the Complaint is DISMISSED in its entirety, with prejudice;
2. Count IV of the Complaint is DISMISSED as to the McDaniel School, with prejudice, and as to the School District and Collier-Bacon, without prejudice, with leave to amend;
3. Any amendments must be made within fourteen (14) days.

BY THE COURT:

Date: 2/26/18

/s/ Michael M. Baylson \_\_\_\_\_  
Michael M. Baylson, U.S.D.J.

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