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

DOMINICO MIRARCHI and EMELIA MIRARCHI, Plaintiffs,

CIVIL ACTION

v.

NO. 18-286

THE PENNSYLVANIA STATE POLICE, MICHAEL PERILLO, Pennsylvania State Police Trooper, and BRUCE WILLIAMS, Pennsylvania State Police Troop K Barracks Commander, Defendants.

ORDER

AND NOW, this 10th day of August, 2018, upon consideration of Defendants' Motion to Dismiss (Document No. 6, filed April 9, 2018) and Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss (Document No. 9, filed May 7, 2018), **IT IS ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- 1) That part of the Motion which seeks to dismiss Count II of the Complaint is **GRANTED** and Count II is **DISMISSED WITH PREJUDICE**. The Pennsylvania State Police and Bruce Williams, named as defendants in Count II, are **DISMISSED** as defendants **WITH PREJUDICE** and **REMOVED** from the caption;
 - 2) The Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a preliminary pretrial conference shall be scheduled in due course.

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.