

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

<p>DESMOND GODSON,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>CITY OF PHILADELPHIA, JORDAN HARRIS, and JEROME L. WATSON</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">NO. 24-6461</p>
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ORDER RE: MOTION TO DISMISS

AND NOW, on this 10th day of March, 2025, for the reasons stated in the foregoing Memorandum it is hereby ORDERED that Defendants' Motion to Dismiss (ECF 4) is **GRANTED** in part and **DENIED** in part. The below chart summarizes the state of Plaintiff's claims.

Count	Against Individual Defendants	Against City
Count I – IIED	MTD denied.	MTD granted with prejudice.
Count I – NIED	Withdrawn without prejudice.	Withdrawn without prejudice.
Count II – Negligence & Gross Negligence	Withdrawn without prejudice.	Withdrawn without prejudice.
Count III – Excessive Force (§ 1983)	MTD denied.	Withdrawn without prejudice.
Count IV – Withholding Medical Care & Covering up § 1983 Violations	Leave to Amend granted. Dismissed without prejudice.	Withdrawn without prejudice.
Count V – Conspiracy to use Excessive Force (§ 1983)	MTD denied.	Withdrawn without prejudice.

Count V – Conspiracy to Deny Access to Court (§ 1983)	MTD granted without prejudice.	Withdrawn without prejudice.
Count VI – Cruel/Unusual Punishment & Monell Claim	Leave to Amend granted. Dismissed without prejudice.	Leave to Amend granted. Dismissed without prejudice.
Count VII – Unreasonable Search & Seizure	Leave to Amend granted. Dismissed without prejudice.	Withdrawn without prejudice.
Count VIII – Conspiracy to Commit Equal Protection Violations (§ 1985)	MTD granted without prejudice.	Withdrawn without prejudice.
Count IX – Assault and Battery	MTD denied.	MTD granted with prejudice.
Count X – Failure to Intervene/Bystander Liability	MTD denied.	Withdrawn without prejudice.
Count XI – <u>Monell</u> Claim	n/a	MTD dismissed with prejudice.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge

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