

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

<p>DIANE CARTER, Plaintiff</p> <p style="text-align: center;">v.</p> <p>SUSQUEHANNA REGIONAL POLICE DEPARTMENT, et al., Defendants</p>	<p>: : : : : : : : : :</p>	<p>CIVIL ACTION</p> <p>NO. 08-4764</p>
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ORDER

AND NOW, this 30th day of April, 2009, upon consideration of Defendants’ Motion to Dismiss (Docket No. 12), Plaintiff’s response (Docket No. 16), and Defendants’ reply (Docket No. 20) and following oral argument on April 17, 2009, **IT IS ORDERED** that the Defendants’ Motion (Docket No. 12) is **GRANTED** in part and **DENIED** in part as follows:

1. Count III of Plaintiff’s Amended Complaint is **DISMISSED** without prejudice. Plaintiff shall file a second amended complaint within 10 days of the entry of this Order.
2. Count I and II of Plaintiff’s Amended Complaint are **DISMISSED** with prejudice as to Plaintiff’s claim for punitive damages only. Defendants’ Motion to Dismiss is **DENIED** as to the remainder of Counts I and II.

BY THE COURT:

 S/Gene E.K. Pratter
 GENE E.K. PRATTER
 United States District Judge