

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

DANIEL LABAR, individually and as	:	
Administrator of the Estate of	:	
JOLENE LABAR	:	
Plaintiffs	:	Civil Case
	:	
v.	:	
	:	
OFFICER JAMES T. ALERCIA, et al.	:	No. 09-4182
Defendants	:	

ORDER

AND NOW, this 30th day of September, 2010, upon consideration of motion of defendants for partial dismissal under Federal Rule of Civil Procedure 12(b)(6) (Doc. # 6), Defendants Borough of Wilson, Chief Richard Nace, Mayor David Purusso, Karen Lohrman, Officer Michael Potope, and John Does 1-10's motion to partially dismiss (Doc. # 17), and all responses and replies to the motions, and following an August 27, 2010 oral argument, it is hereby ORDERED that:

1. The motions are GRANTED for the reasons set forth in the accompanying memorandum;
2. Count I, count II, count III, count VI, count VII, count VIII, count IX, and count XII are dismissed; and
3. Plaintiff's request for punitive damages and declaratory and injunctive relief are dismissed.

BY THE COURT:

/s/ LAWRENCE F. STENGEL

LAWRENCE F. STENGEL, J.