

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

WENDY CHAN	)	
	)	
Plaintiff,	)	
	)	Civil Action
v.	)	No. 10-cv-03424
	)	
COUNTY OF LANCASTER;	)	
DENNIS STUCKEY;	)	
SCOTT MARTIN;	)	
CRAIG LEHMAN;	)	
CHARLES E. DOUTS, JR.;	)	
ADREA MCCUE,	)	
	)	
Defendants	)	

**O R D E R**

NOW, this 4th day of June, 2013, upon consideration of the following documents:

- (1) Defendants' Motion for Summary Judgment filed March 15, 2013 (Document 44), together with
  - (A) Statement of Undisputed Material Facts in Support of Defendants' Motion for Summary Judgment (Document 44-2);
  - (B) Affidavit of [Defendant] Scott Martin sworn and notarized on March 15, 2013 (Document 44-2);
  - (C) Affidavit of [Defendant] Craig Lehman, sworn and notarized on March 15, 2013 (Document 44-2);
  - (D) Exhibits A through J to Defendants' Motion for Summary Judgment (Document 44-2); and
  - (E) Defendants' Brief in Support of Motion for Summary Judgment (Document 44-3);

- (2) Plaintiff's Response in Opposition to Summary Judgment, which response was filed on April 8, 2013 (Document 46), together with
  - (A) Plaintiff's Memorandum in Support of Response in Opposition to Summary Judgment (Document 46-1);
  - (B) Plaintiff's Counter[-]Statement of Undisputed Material Facts (Document 46-2);
  - (C) Exhibits A through MM to Plaintiff's Response in Opposition to Summary Judgment (Documents 46-3 through 46-43, respectively); and
  - (D) Index of Exhibits to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Document 46-44);
- (3) Reply Brief in Support of Defendants' Motion for Summary Judgment, which reply brief was filed April 26, 2013 (Document 55), together with
  - (A) Supplemental Statement of Undisputed Material Facts in Support of Defendants' Motion for Summary Judgment (Document 55-1) ("Defendants' Supplemental Statement of Facts"); and
  - (B) Exhibits A through N to Defendants' Supplemental Statement of Facts (Documents 55-3 through 55-16, respectively);
- (4) Plaintiff's Responses and Supplemental Counter[-]Statement of Undisputed Material Facts, which response and supplemental statement was filed May 3, 2013 (Document 58), together with
  - (A) [Updated] Index Of Exhibits To Plaintiff's Responses In Opposition (Document 58-1); and
  - (B) Exhibits NN through RR to Plaintiff's Response in Opposition to Summary Judgment (Documents 58-2 through 58-6, respectively); and

(5) Second Amended Complaint filed October 17, 2011  
(Document 27);

after oral argument held before the undersigned on May 13, 2013;  
and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that plaintiff's request to withdraw her  
claims against defendant Dennis Stuckey is granted.

IT IS FURTHER ORDERED that plaintiff's claims against  
defendant Dennis Stuckey are with withdrawn with prejudice, and,  
accordingly, defendant Dennis Stuckey is dismissed from the  
within action.

IT IS FURTHER ORDERED that plaintiff's request to  
dismiss her equal protection and employment discrimination  
claims against defendant Andrea McCue in Counts I and IV of the  
Second Amended Complaint is deemed to be a request to amend that  
complaint for the purpose of withdrawing those claims, and the  
Second Amended Complaint is deemed amended to eliminate those  
claims, with prejudice, without further pleading.

IT IS FURTHER ORDERED that Defendants' Motion for  
Summary Judgment ("Motion") is granted in part and denied in  
part.

IT IS FURTHER ORDERED that the Motion is granted to  
the extent that it seeks summary judgment on Count III, Count V,  
and Count VI of plaintiff's Second Amended Complaint.

IT IS FURTHER ORDERED that Counts III, V, and VI are dismissed from plaintiff's Second Amended Complaint with prejudice.

IT IS FURTHER ORDERED that the Motion is granted to the extent that it seeks summary judgment in favor of defendants on plaintiff's hostile work environment claims in Count II and Count IV.

IT IS FURTHER ORDERED that plaintiff's hostile work environment claims in Counts II and IV are dismissed from plaintiff's Second Amended Complaint with prejudice.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment is denied in all other respects.

BY THE COURT:

/s/ JAMES KNOLL GARDNER \_\_\_\_\_  
James Knoll Gardner  
United States District Judge