

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

DALE A. THOMAS,
Plaintiff,

CIVIL ACTION

v.

**BUSHKILL TOWNSHIP,
STANLEY J. COOPERSMITH,
Chief of Police,
DALE STEIGERWALT, Police Officer,
ELLIS PYSHER, Police Officer,
DAVID MARINO, Police Officer,
MANDY LOHMAN, Police Officer,
CRYSTAL HAPPEL, Police Officer, and
RYAN VRESICS, Police Officer,
Defendants.**

NO. 11-7578

ORDER

AND NOW, this 12th day of March, 2014, upon consideration of Motion of Defendants Chief of Police Stanley J. Coopersmith and Bushkill Township to Partially Dismiss Plaintiff's Amended Complaint Pursuant to Federal Rule 12(b)(6) (Document No. 46, filed August 30, 2013); Defendants, Officers Dale Steigerwalt, Ellis Pysher, and Ryan Vresic's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 59, filed October 21, 2013); Motion of Defendants David Marino, Mandy Lohman and Cystal Happel to Dismiss Plaintiff's Amended Complaint (Document No. 60, filed October 21, 2013), and the related submissions of the parties, for the reasons set forth in the attached Memorandum dated March 12, 2014, **IT IS ORDERED** as follows:

1. The parts of defendants' Motions that seek dismissal of plaintiff's § 1983 claims for violations of the Fourth Amendment against Stanley J. Coopersmith, Dale Steigerwalt, Ellis Pysher, Ryan Vresic, David Marino, Mandy Lohman, and Cystal Happel are **GRANTED WITH**

PREJUDICE.

2. The parts of defendants' Motions that seek dismissal of plaintiff's § 1983 claims for violations of the Due Process Clause of the Fourteenth Amendment against Stanley J. Coopersmith, Dale Steigerwalt, Ellis Pysher, Ryan Vresic, David Marino, Mandy Lohman, and Cystal Happel are **GRANTED WITH PREJUDICE.**

3. The part of Motion of Defendants Chief of Police Stanley J. Coopersmith and Bushkill Township to Partially Dismiss Plaintiff's Amended Complaint Pursuant to Federal Rule 12(B)(6) that seeks dismissal of plaintiff's *Monell* claim against Bushkill Township is **GRANTED WITH PREJUDICE.**

4. Defendants' Motions are **DENIED** in all other respects.¹

IT IS FURTHER ORDERED that the caption of the case is amended to **DELETE** reference to Bushkill Township.

IT IS FURTHER ORDERED that a telephone conference to schedule further proceedings in this case will be held in due course.

BY THE COURT:

/s/ Jan E. DuBois
DuBOIS, JAN E., J.

¹ The Court's denial of the parts of defendants' Motions that seek dismissal of plaintiff's equal-protection claims are without prejudice to defendants' right to raise their statute-of-limitations defense by motion(s) for summary judgment after discovery.