

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

**JOSHUA BENJAMIN, a minor, by
THOMAS BENJAMIN and JANET
BENJAMIN,**

Plaintiffs,

v.

**JAMES B. FASSNACHT, et al.,
Defendants.**

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CIVIL ACTION

NO. 12-0585

ORDER

AND NOW, this 1st day of August 2012, upon consideration of the Motion of Defendants James B. Fasnacht and Corporal Bray to Dismiss the Complaint (Doc. No. 4), and the opposition thereto, it is hereby **ORDERED** that the Motion is **GRANTED**. Count V (intentional infliction of emotional distress) is **DISMISSED WITH PREJUDICE** as to Defendants James B. Fasnacht and Corporal Bray. All other claims against Defendants James B. Fasnacht and Corporal Bray are **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiffs are granted leave to file an amended complaint within 21 days in conformity with the accompanying memorandum.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.