

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

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

Plaintiffs,

v.

OFFICER JAMES B. FASSNACHT, CORPORAL  
BRIAN BRAY, LANCASTER COUNTY,  
DAVID MUELLER, CAROLE TROSTLE,  
ROBERT KLING, DREW FREDERICKS,  
DAREN DUBEY and JOSEPH CHOI,

Defendants.

CIVIL ACTION  
NO. 12-585

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of August, 2014, upon consideration of Defendants' Motions for Summary Judgment, Plaintiffs' Responses thereto, and Defendants' Replies, it is hereby **ORDERED** as follows:

1. Defendants' Motions for Summary Judgment are **GRANTED** in part and **DENIED** in part;
2. The Motion for Summary Judgment of Defendants, Officer James B. Fasnacht and Corporal Brian Bray (Docket No. 39) is **GRANTED**, and Defendants Fasnacht and Bray are hereby dismissed from this action with prejudice;
3. The Motion for Summary Judgment of Defendants, Lancaster County, David Mueller, Carole Trostle, Robert Kling, Drew Fredericks, Daren Dubey and Joseph Choi ("Lancaster County Defendants") (Docket No. 41) is **GRANTED** in part and **DENIED** in part;

4. The Motion for Summary Judgment is **GRANTED** as to the Lancaster County Defendants on all claims of false arrest, false imprisonment, due process violations, loss of family consortium and state law claims of assault and battery and intentional infliction of emotional distress, and these claims are dismissed from this action with prejudice; and
5. The Motion for Summary Judgment is **DENIED** as to the Lancaster County defendants on Plaintiffs' claim of unreasonable search and on Plaintiffs' Monell claim.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
**Jeffrey L. Schmehl, J.**