

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

CAMILLE BARTLETT; BONNIE YURVATI; :
MICHAEL SITKUS; JACK GRANT; GLENN
GODSHALL; and WILLIAM STAHLER
Plaintiffs, :

v.

KUTZTOWN UNIVERSITY;
EAST STROUDSBURG UNIVERSITY;
JAVIER CEVALLOS, in his personal and :
professional capacities; CARLOS VARGAS
ABURTO, in his personal and professional
capacities; GERALD SILBERMAN, in his :
personal and professional capacities; SHARON
PICUS, in her personal and professional
capacities; JOHN GREEN, in his personal and :
professional capacities; THERESA FRITSCHKE,
in her personal and professional capacities;
MARCIA G WELSH, in her personal and :
professional capacities; and PENNSYLVANIA
STATE SYSTEM OF HIGHER EDUCATION
Defendants. :

CIVIL ACTION
NO. 13-4331

ORDER

AND NOW, this 23rd day of February, 2015, upon consideration of Defendants’ Motion
to Dismiss (Doc. No. 23) and Plaintiffs’ Opposition thereto (Doc. No. 25), it is hereby

ORDERED as follows:

- (1) Defendants’ Motion to Dismiss Counts I, II, V, VI, VII, IX, X, XI, XII
of Plaintiffs’ Second Amended Complaint is GRANTED and said Counts
are DISMISSED WITH PREJUDICE;

- (2) Defendants' Motion to Dismiss Counts III and IV is GRANTED in part and DENIED in part:
- (a) Plaintiff Yurvati's Title VII gender discrimination and retaliation claims (Counts III and IV) shall be DISMISSED WITHOUT PREJUDICE for failure to adequately demonstrate that she has exhausted her administrative remedies. Said Plaintiff shall have thirty (30) days from the date of this Order to amend accordingly;¹
 - (b) Plaintiff Bartlett's Title VII gender discrimination claim (Count III) shall be DISMISSED WITHOUT PREJUDICE for failure to demonstrate that she has adequately exhausted her administrative remedies and for failure to sufficiently plead a plausible claim of gender discrimination. Said Plaintiff shall have thirty (30) days from the date of this Order to amend accordingly; and
 - (c) Plaintiff Bartlett's Title VII gender retaliation claim (Count IV) shall be DISMISSED WITH PREJUDICE. Although said Plaintiff has exhausted her administrative remedies with regard to this claim, her Complaint is devoid of the facts necessary to establish a plausible retaliation claim against Defendant KU and the extensive facts contained within her Second Amended Complaint provide this Court with no indication that further amendment could cure this defect;
- (3) Defendants' Motion to Dismiss Count VIII of Plaintiffs' Second Amended Complaint is GRANTED as to Defendant Welsh and DENIED as to Defendants Cevallos, Vargas, Silberman, Picus, Green and Fritsche;
- (4) Defendants' Motion to Dismiss Count XIII of Plaintiffs' Second Amended Complaint is GRANTED as to Defendant Welsh and DENIED as to Defendants Cevallos, Vargas, Silberman, Picus, Green and Fritsche;
- (5) Defendants' Motion to Dismiss Count XIV of Plaintiffs' Second Amended Complaint is GRANTED and said Count is DISMISSED WITH PREJUDICE;
- (6) Defendants' Motion to Dismiss or Strike Plaintiffs' request for punitive damages under the PHRA is GRANTED and said request is hereby STRICKEN; and

¹ This Court notes that Plaintiffs have not requested leave to amend as an alternative to dismissal. However, in the interests of justice, the court will offer Plaintiffs an opportunity to amend as specified herein.

(7) Defendants' request to Transfer Venue or Sever is DENIED.

BY THE COURT:

/s/ C. Darnell Jones, II

C. Darnell Jones, II J.