

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

STEPHEN SCHLEIG,

Plaintiff,

v.

BOROUGH OF NAZARETH, THOMAS M.
TRACHTA, MAYOR FRED C. DAUGHTERY,
JR., MAYOR CARL R. STRYE, JR., DANIEL
JAMES TROXELL, RANDALL MILLER, PAUL
KOKOLUS, JR., LARRY STOUTD, FRANK
MAUREK, MICHAEL KOPACH, CYNTHIA
WERNER, CHARLES DONELLO, DANIEL
CHIAVAROLI, WILLIAM MATZ, BRIAN F.
REGN, JOHN N. SAMUS, LANCE E.
COLONDO, CHRISTIAN AUDENRIED, and
CARL FISCHL,

Defendants.

CIVIL ACTION
NO. 15-4550

ORDER

AND NOW, this day of August, 2016, upon review of Defendants' Motion to Dismiss and Memorandum of Law in support, Plaintiff's Response thereto, and Defendants' Reply, as well as Plaintiff's Motion for Leave to File Second Amended Complaint and Defendant's Response thereto, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Docket No. 6) is **GRANTED** in part and **DENIED** in part;
2. Defendants Mayor Fred C. Daugherty, Jr., Paul Kokolus, Jr., Larry Stoudt, Frank Maurek, Michael Kopach, Cynthia Werner, Charles Donello, Daniel Chiavaroli, William Matz, Brian F. Regn, John N. Samus, Lance E. Colondo, Christian

Audenried and Carl Fischl are **DISMISSED** from this action and all claims against them are **DISMISSED** with prejudice;

3. Count IV of Plaintiff's Amended Complaint (improperly designated as the second Count III) is **DISMISSED**;

4. Count V of Plaintiff's Amended Complaint (improperly designated as Count IV) is **DISMISSED**;

5. To the extent Plaintiff is seeking damages for any events that occurred prior to August 11, 2013, said events are barred by the applicable statute of limitations;

6. The Motion to Dismiss is **DENIED** in all other respects;

7. Plaintiff's Motion for Leave to File a Second Amended Complaint (Docket No. 29) is **GRANTED** in part and **DENIED** in part;

8. Plaintiff may file a Second Amended Complaint which contains paragraphs 39 to 48 and 74 as set forth in the proposed Second Amended Complaint; and

9. Plaintiff's Second Amended Complaint shall not contain paragraphs 89 and 111 to 116 as set forth in the proposed Second Amended Complaint.

BY THE COURT:

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