

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

_____	:	
KATHY KEIFER, Administratrix of the	:	CIVIL ACTION
ESTATE OF ZACHARY KEIFER,	:	
	:	
Plaintiff,	:	NO. 16-6620
v.	:	
	:	
PRIMECARE MEDICAL, INC.,	:	
JOHN W. WICKIZER, DENISE SIPE,	:	
MARK TURGEON, WILLIAM CATTELL, et al.,	:	
Defendants.	:	
_____	:	

ORDER

AND NOW, this 24th day of July, 2017, upon consideration of the Motion to Dismiss of Primecare Medical, Inc., William Cattell, Mark Turgeon, John W. Wickizer and Denise Sipe (the “Medical Defendants”) (Dkt. No. 21) filed on March 31, 2017, and Plaintiff’s Answer and Memorandum of Law in Opposition to the Motion (Dkt. No. 24) filed on April 24, 2017, and for the reasons expressed in the foregoing Memorandum,

IT IS ORDERED that the Motion is **GRANTED**.

IT IS ORDERED that all claims filed pursuant to the Fourth Amendment and Plaintiff’s monetary claims pursuant to the Pennsylvania Constitution against the Medical Defendants are **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that all claims in Count V of the Complaint against PrimeCare Medical, Inc. are **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that the Medical Defendants shall have fourteen (14) days from the date of this Order to file an answer to Plaintiff's Complaint, including the remaining claims for Deliberate Indifference pursuant to 42 U.S.C. § 1983 and the Eighth and Fourteenth Amendments Against Defendants PrimeCare Medical, Inc., Wickizer, Sipe, Turgeon and Cattell (Count I), Negligence Against Defendants PrimeCare Medical, Inc. and Wickizer (Count II), Wrongful Death Against Defendants PrimeCare Medical, Inc., Wickizer, Sipe, Turgeon and Cattell (Count VI), and Punitive Damages Against Defendants Wickizer, Sipe, Turgeon and Cattell (Count VII).

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN

United States Magistrate Judge