

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF PENNSYLVANIA

ALLEN HOWELL,

Plaintiff

v.

MILLERSVILLE UNIVERSITY OF  
 PENNSYLVANIA;  
 MICHEAL HOULAHAN;  
 PHILLIP TACKA; N. KEITH WILEY;  
 CHRISTY BANKS; and DIANE UMBLE,

Defendants

No. 5:17-cv-00075

**ORDER**

And now, this 27<sup>th</sup> day of July, 2017, for the reasons set forth in the accompanying opinion issued this day, it is **ORDERED** as follows:

1. Defendants’ Motion to Dismiss the Amended Complaint in Part, ECF No. 9, is **GRANTED IN PART** and **DENIED IN PART**, as follows:
  - (a) Defendants’ Motion to Dismiss Plaintiff’s claims under the Age Discrimination in Employment Act of 1967 is **DENIED**.
  - (b) Defendants’ Motion to Dismiss Plaintiff’s claim for retaliation under Title IX of the Education Amendments of 1972 is **GRANTED** without prejudice.
  - (c) Defendants’ Motion to Dismiss Plaintiff’s claim for retaliation under the First Amendment is **GRANTED** without prejudice.
  - (d) Defendants’ Motion to Dismiss Plaintiff’s claims under the Pennsylvania Human Relations Act is **DENIED** as moot.
2. Plaintiff may have until **August 11, 2017**, to file an amended complaint, solely for the purpose of addressing the deficiencies the Court identified in the accompanying opinion with his claims for retaliation under Title IX and retaliation under the First Amendment.

3. Defendants shall have until **August 25, 2017**, to respond to Howell's amended complaint, if he chooses to file one.

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.* \_\_\_\_\_

JOSEPH F. LEESON, JR.

United States District Judge