

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

JEFFERY M. FLECKENSTEIN, et al.,	:	
Plaintiffs	:	No. 1:14-cv-1085
	:	
v.	:	(Judge Kane)
	:	
ROSS W. CRAWFORD, et al.,	:	(Magistrate Judge Schwab)
Defendants	:	

ORDER

AND NOW, on this 30th day of September 2015, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 26) is **ADOPTED**;
2. Plaintiffs' objections (Doc. Nos. 27, 28) are **OVERRULED**;
3. Defendants' motion to dismiss (Doc. No. 14) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Plaintiffs' claim under the Pennsylvania Wrongful Death Act (Count IV) is **DISMISSED WITHOUT PREJUDICE** with leave to amend this count within 21 days of this order, if Plaintiffs choose to do so;
 - b. The state created danger claim pursuant to 42 U.S.C. § 1983 is **DISMISSED** with prejudice as to the Defendant Commissioners Chronister, Hoke, and Reilly;
 - c. Defendant York County is **DISMISSED** as a defendant with prejudice; and
 - d. In all other respects, the motion is **DENIED**;
4. Defendant Ross Crawford's motion for complex track (Doc. No. 19) is **DENIED**.

S/ Yvette Kane _____
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania