

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

<b>TERRY SUTTON, d/b/a CINKAJ</b>	:	<b>Civil No. 1:14-CV-1584</b>
<b>BROGUE LIMITED PARTNERSHIP,</b>	:	
<b>BRENDA SUTTON d/b/a CINKAJ</b>	:	<b>(Magistrate Judge Carlson)</b>
<b>BROGUE LIMITED PARTNERSHIP,</b>	:	
<b>CHRIS CINKAJ, d/b/a/ CINKAJ</b>	:	
<b>BROGUE LIMITED PARTNERSHIP,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CHANCEFORD TOWNSHIP, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 14<sup>th</sup> day of December 2016, for the reasons set forth in the accompanying Memorandum Opinion, IT IS HEREBY ORDERED THAT the defendants' motion to dismiss the plaintiffs' amended complaint (Doc. 21.) is GRANTED in part and DENIED in part. The motion is GRANTED with respect to Count I (equal protection), Count II (procedural due process only) and Count V (42 U.S.C. § 1983). The motion is DENIED with respect to the plaintiffs' substantive due process claim set forth in Count II, as well as to Count III (First

Amendment), Count IV (Pennsylvania Constitution, Article I, § 7), and Count VI (declaratory judgment).

In order to ensure the prompt resolution of this case, IT IS FURTHER ORDERED that Counsel will meet and complete a "Joint Case Management Plan" form. In this case the Court seeks a supplemental form from the parties setting an expedited timetable for any further discovery, motions practice or other proceedings. **The completed form, which is set forth in Appendix A of the Local Rules, must be filed on or before January 3, 2017.** Unless the parties request an in-person conference, a telephonic case management conference will be held in the above-captioned case on **January 4, 2017 at 1:30 p.m.** The plaintiff shall initiate the call, ensuring that all parties are on the telephone line, before contacting the Court at telephone number 717-614-4120. The primary purpose of this conference will be to establish case management deadlines to enable this action to go forward as efficiently as possible. In this regard, counsel are asked to be prepared to address the following questions: (1) Is this case ripe for presentation on motions for summary judgment? (2) Is there further discovery which is needed for allow for an informed resolution of the case? Participation in this conference by counsel or by pro se litigants is

mandatory. If counsel of record is unable to participate in the conference, the Court shall be notified of the name of the substitute counsel two business days in advance of the date of the conference. This information can be conveyed to the Court by contacting the undersigned's Deputy Clerk, Kevin Neary at (717) 221-3924 or by email at [Kevin\\_Neary@pamd.uscourts.gov](mailto:Kevin_Neary@pamd.uscourts.gov).

*/s/ Martin C. Carlson*

Martin C. Carlson

United States Magistrate Judge