

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

DENNIS GRESH,	:	CIVIL ACTION NO. 1:15-CV-1466
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
HUNTINGDON COUNTY, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 24th day of March, 2016, upon consideration of the motions (Docs. 14, 23, 33) to dismiss filed by (1) Huntingdon County, the Huntingdon County Sheriff's Office, Sheriff William G. Walters, Chief Deputy Mark Foor, Sergeant Jeff Leonard, Deputy Dan McCartney, Deputy Tammy S. Foor, and Deputy Larry Cressman (collectively, "the Huntingdon County defendants"); (2) the Huntingdon County Agricultural Association, Inc. (the "Agricultural Association"); and (3) Bartlebaugh Amusements, Inc. ("Bartlebaugh Amusements"), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The Huntingdon County defendants' motion (Doc. 14) to dismiss is GRANTED in part as follows:
 - a. Plaintiff's Fourth Amendment and procedural due process claims against Huntingdon County are DISMISSED without prejudice.
 - b. Plaintiff's Fourth Amendment and procedural due process claims against the Huntingdon County Sheriff's Office are DISMISSED with prejudice.
 - c. Plaintiff's procedural due process claim against the individual Huntingdon County defendants is DISMISSED without prejudice.

- d. Plaintiff's intentional infliction of emotional distress, tortious interference with contract, and civil conspiracy claims against the Huntingdon County defendants are DISMISSED without prejudice.
 - e. Plaintiff's independent cause of action for punitive damages against the Huntingdon County defendants is DISMISSED with prejudice.
2. The Huntingdon County defendants' motion (Doc. 14) to dismiss plaintiff's Fourth Amendment claim is DENIED with respect to the individual Huntingdon County defendants. The Huntingdon County defendants' motion is also DENIED with respect to plaintiff's state law claims for assault, battery, and false imprisonment.
 3. The Agricultural Association's motion (Doc. 23) to dismiss is GRANTED. Plaintiff's Section 1983 conspiracy claim against the Agricultural Association is DISMISSED without prejudice.
 4. Bartlebaugh Amusements' motion (Doc. 33) to dismiss is GRANTED. Plaintiff's Section 1983 conspiracy claim against Bartlebaugh Amusements is DISMISSED without prejudice.
 5. Defendant Huntingdon County Sheriff's Office is DISMISSED with prejudice from the above-captioned matter.
 6. Plaintiff is granted leave to amend his pleading within twenty (20) days of the date of this order, consistent with paragraphs 1 and 3-5 above. In the absence of a timely filed amended complaint, the case shall proceed on the remaining claims.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania