

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

<b>ERIKA EBERHARDINGER,</b>	:	<b>CIVIL ACTION NO. 1:16-CV-2481</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
v.	:	
	:	
<b>CITY OF YORK, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 17th day of September, 2018, upon consideration of the motions (Docs. 58, 60) for summary judgment filed by defendants the City of York (“the City”), Officer Benjamin Smith (“Officer Smith”), and State Farm Mutual Automobile Insurance Company and its related entities (“State Farm”),<sup>1</sup> and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 58) for summary judgment by the City and Officer Smith is GRANTED in part and DENIED in part, as follows:
  - a. Summary judgment is GRANTED in the City’s favor as to the Monell failure-to-train claim (Count II).
  - b. Summary judgment is DENIED as to the Fourth Amendment excessive force claim against Officer Smith (Count I).
2. State Farm’s motion (Doc. 60) for summary judgment is GRANTED in its entirety.

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<sup>1</sup> The amended complaint additionally names State Farm Fire & Casualty Company, State Farm Companies, State Farm, and State Farm Insurance. (Doc. 50 ¶¶ 12-18).

3. The Clerk of Court shall enter judgment in State Farm's favor and against Eberhardinger on all claims. The Clerk of Court shall also enter judgment in the City's favor and against Eberhardinger on Count II.
4. State Farm's motion (Doc. 51) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is DISMISSED as moot.

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