

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

DR. KENNETH TAYLOR,	:	CIVIL ACTION NO. 1:20-CV-1363
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DERRY TOWNSHIP SCHOOL	:	
DISTRICT; DONNA CRONIN, in her	:	
individual and official capacity;	:	
LINDSAY DREW, in her individual and:	:	
official capacity; MARIA MEMMI, in	:	
her individual and official capacity;	:	
TERRY SINGER, in his individual and	:	
official capacity; TRICIA STEINER, in	:	
her individual and official capacity;	:	
DAVID OBENSTINE, in his individual	:	
capacity; JOHN/JANE DOE 1-10,	:	
fictitious individuals; and ABC	:	
ENTITIES 1-10, fictitious entities,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 7th day of January, 2022, upon consideration of the motions to dismiss by defendants Derry Township School District (“the District”), (see Doc. 38); Donna Cronin, Lindsay Drew, Maria Memmi, Terry Singer, and Tricia Steiner (collectively, “Defendant Directors”), (see Doc. 39), and David Obenstine, (see Doc. 37), seeking to dismiss amended complaint of plaintiff Dr. Kenneth Taylor (“Coach Taylor”), and the parties’ respective briefs in support of and opposition to said motions, and for the reasons stated in the accompanying memorandum of today’s date, it is hereby ORDERED that:

1. The District’s motion (Doc. 38) to dismiss is GRANTED in part and DENIED in part as follows:

- a. The District's motion (Doc. 38) is GRANTED to the extent that Count II is DISMISSED without prejudice.
 - b. The District's motion (Doc. 38) is otherwise DENIED.
2. The Defendant Directors' motion (Doc. 39) is GRANTED in part and DENIED in part as follows:
- a. The Defendant Directors' motion (Doc. 39) is GRANTED with regard to Count I and II to the extent that all official capacity claims against the Defendant Directors are DISMISSED with prejudice.
 - b. The Defendant Directors' motion (Doc. 39) is GRANTED with regard to Count I to the extent that the claims against Memmi, Sicher, Singer, and Steiner are DISMISSED without prejudice.
 - c. The Defendant Directors' motion (Doc. 39) is GRANTED with regard to Count II to the extent that the claims against Cronin, Drew, Memmi, Sicher, Singer, and Steiner are DISMISSED without prejudice.
 - d. The Defendant Directors' motion (Doc. 39) is GRANTED with regard to Counts IV, V, and VI to the extent that the claims against Drew and Cronin arising out of their actions and statements at official meetings of the Derry Township School District Board of School Directors are DISMISSED with prejudice.
 - e. The Defendant Directors' motion (Doc. 39) is otherwise DENIED.
3. Obenstine's motion (Doc. 37) is GRANTED in part and DENIED in part as follows:
- a. Obenstine's motion (Doc. 37) is GRANTED with regard to Count IV to the extent that Coach Taylor's claim for tortious interference with an existing contractual relationship is DISMISSED without prejudice.
 - b. Obenstine's motion (Doc. 37) is GRANTED with regard to Count VI to the extent that Coach Taylor's defamation claim arises out of bullying, player safety, and deflection statements.

- c. Obenstine's motion (Doc. 37) is otherwise DENIED.
4. Coach Taylor is granted leave to amend the claims dismissed in paragraphs 1(a), 2(b), 2(c), and 3(a) within 14 days. In the absence of a timely filed second amended complaint, the above-captioned action shall proceed on the following claims:
 - a. Count I deprivation of due process against the District, Cronin, and Drew premised on their deprivation of Coach Taylor's liberty interest.
 - b. Count III civil conspiracy claim against Cronin, Drew, and Obenstine.
 - c. Count IV, V, and VI for tortious interference with a prospective contractual relationship, false light, and defamation against Obenstine and against Cronin and Drew, insofar as those counts relate to Cronin's and Drew's actions outside of their official capacities.
5. Defendants' deadline to respond to the amended complaint under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 14-day amendment period set forth in paragraph 4 above.

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