

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

JAMES GILLETTE and ERICA  
MICHALIGA,

Plaintiffs,

v.

MARK A. CIAVARELLA, JR., MICHAEL T.  
CONAHAN, COUNTY OF LUZERNE,  
GREG SKREPENAK, TODD  
VONDERHEID, SAM GUSTO, SANDRA  
BRULO, LUZERNE COUNTY  
DEPARTMENT OF JUVENILE  
PROBATION, ROBERT J. POWELL,  
ROBERT MERICLE, PA CHILD CARE,  
MERICLE CONSTRUCTION, INC., PA  
CHILD CARE, LLC, WESTERN PA  
CHILDCARE, LLC, MID-ATLANTIC  
CHILD YOUTH SERVICES, LLC,  
POWELL LAW GROUP, P.C., BARBARA  
CONAHAN, CINDY CIAVARELLA,  
PINNACLE GROUP OF JUPITER, LLC,  
GREGORY ZAPPALA, BEVERAGE  
MARKETING OF PA, INC., and JOHN  
DOE, ESQUIRE,

Defendants.

CIVIL ACTION NO. 3:11-CV-658

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 31st day of January, 2012, **IT IS HEREBY ORDERED** that:

(1) Defendant Mark Ciavarella's Motion to Dismiss (Doc. 3) is **GRANTED in part** and **DENIED in part**. As to judicial immunity for the courtroom adjudications and sentences imposed, the motion is **GRANTED**. As to the remainder, the motion is **DENIED**.

(2) Defendant Western PA Child Care, LLC's Motion to Dismiss (Doc. 6) is **GRANTED in part** and **DENIED in part**. As to the claims of a violation of Pennsylvania law under 42 U.S.C. § 1983, the motion is **GRANTED**. As to the remainder, the motion is **DENIED**.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge