

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

JACQUELINE SHEARE and TREVOR R.

SHEARE,

Plaintiffs,

v.

BOROUGH OF OLYPHANT and

OFFICER LEWIS KLINE,

Defendants.

CIVIL ACTION NO. 3:11-CV-1639

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 29<sup>th</sup> day of June, 2012, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss Plaintiffs' Amended Complaint (Doc. 15) is **GRANTED in part and DENIED in part**.

- (1) Defendants' Motion to Dismiss Count Two is **GRANTED** and the *Monell* claim is **DISMISSED with prejudice**.
- (2) Defendants' Motion to Dismiss Count Three is **GRANTED** and the Abuse of Process claim is **DISMISSED with prejudice**.
- (3) The Motion to Dismiss is otherwise **DENIED**. Plaintiffs may proceed on the 42 U.S.C. § 1983 False Arrest claim, the Intentional Infliction of Emotional Distress claim, and the Loss of Consortium claim.

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