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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY BUTLER, as Administrator of the Estate of Aleshia Butler, the decedent,	:	**CIVIL ACTION NO. 3:12-CV-2038**
Plaintiff	:	**(JUDGE MANNION)**
v.	:	
MOUNTAIN VIEW SCHOOL DISTRICT,	:	
Defendant	:	

ORDER

Pending before the court is the defendant's motion to dismiss. (Doc. No. 8). For the reasons stated in the Memorandum of this date, **IT IS HEREBY ORDERED THAT** the defendant's motion to dismiss is **GRANTED** as follows:

(1) Counts 1, 4 and 5 are **DISMISSED WITH PREJUDICE**;

(2) Counts 2 and 3 are **DISMISSED WITHOUT PREJUDICE**;

(3) The plaintiff may file an amended complaint with respect to Counts 2 and 3 on or before **September 9, 2013**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Dated: August 26, 2013

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