

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

K.A. o/b/o her minor child, J.A.

Plaintiff

v.

**ABINGTON HEIGHTS SCHOOL
DISTRICT, et al.**

Defendants

:
:
:
:
:
:
:
:
:
:
:

**3:12-CV-2486
(JUDGE MARIANI)**

ORDER

AND NOW, THIS 20th DAY OF APRIL 2015, upon consideration of Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. 50) and all accompanying briefs, **IT IS HEREBY ORDERED THAT** the Defendants' motion is **GRANTED IN PART AND DENIED IN PART**; to wit:

1. Defendants' motion is **GRANTED IN PART AND DENIED IN PART** as to Count I of Plaintiff's Second Amended Complaint. Specifically:
 - a. Plaintiff's Fourteenth Amendment procedural due process claim with respect to violations of J.A.'s liberty interest is **DISMISSED WITH PREJUDICE**.
 - b. Defendants' motion to dismiss Plaintiff's Fourteenth Amendment procedural due process claim with respect to violations of J.A.'s property interest is **DENIED**.

c. Defendants Mahon, Elia, Antonetti, and Kelly are **DISMISSED** in their official capacities from Count I.


2. Defendants' motion is **GRANTED** as to Count II of Plaintiff's Second Amended Complaint. Specifically, Plaintiff's claim for Breach of Fiduciary Duty is **DISMISSED WITH PREJUDICE** with respect to Defendant Mahon.

3. Defendants' motion is **GRANTED** as to Count III of Plaintiff's Second Amended Complaint. Specifically, Plaintiff's claim for Punitive Damages is **DISMISSED WITH PREJUDICE** with respect to Defendant Mahon.

4. Defendants' motion is **DENIED** as to Count IV of Plaintiff's Second Amended Complaint.

5. Defendants' motion to dismiss Defendant Quinn in his entirety is **GRANTED**.

ACCORDINGLY, the remaining Counts are Count I (Fourteenth Amendment Procedural Due Process), Count II (Breach of Fiduciary Duty), Count III (Punitive Damages), and Count IV (Section 504 of the Rehabilitation Act) subject to the above restrictions.



Robert D. Mariani
United States District Court Judge