

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

MAJOR KENNETH MARKOVICH,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-3096
	:	
v.	:	
	:	(JUDGE MANNION)
PANTHER VALLEY SCHOOL DISTRICT, R. MICKEY ANGST, and ROSEMARY POREMBO	:	
	:	
Defendants	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** defendants PVSD and Porembo's motion to dismiss, (Doc. 12), is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to Count I, for discrimination under Title VII of the Civil Rights Act. Count I is **DISMISSED with prejudice**. The motion is **DENIED** as to Count II, the procedural due process claim. The motion is **GRANTED** as to Count III, the 5th and 14th amendment substantive due process claims, which are **DISMISSED with prejudice**. The 5th Amendment claim is **DISMISSED with prejudice**, while the 14th Amendment claim is **DISMISSED without prejudice**. The motion is **DENIED** as to Count IV, the breach of contract claim. The motion is **GRANTED** as to Count VII, the enterprise liability claim, which is **DISMISSED with prejudice**. The claims against Porembo in her official capacity brought pursuant to §1983 are **DISMISSED with prejudice**.

Plaintiff may amend his complaint to allege additional claims against PVSD and Poremba, provided he has a good faith basis to do so. Any such amendment must be filed on or before **August 15, 2014**.

Defendant Angst's motion to dismiss, (Doc. 30), is **GRANTED**. Counts V, VI, and VIII, the claims against Angst, are **DISMISSED with prejudice**.

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

Date: July 28, 2014

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2013 MEMORANDA\13-3096-01-order.wpd