

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

LAURA KELLER, :  
 :  
 Plaintiff, : CIVIL ACTION NO. 3:15-2511  
 :  
 v. : (JUDGE MANNION)  
 :  
 LACKAWANNA COUNTY, :  
 WILLIAM BROWNING, :  
 and AMERICAN FEDERATION OF :  
 STATE, COUNTY AND MUNICIPAL :  
 EMPLOYEES, AFL-CIO, DISTRICT :  
 COUNCIL 87, :  
 :  
 Defendants. :  
 :

ORDER

In accordance with the memorandum issued by the court this same day,  
**IT IS HEREBY ORDERED THAT** the third partial motion to dismiss brought  
by the defendants Lackawanna County and William Browning (collectively, the  
“County defendants”), (Doc. [33](#)), is **GRANTED IN PART** and **DENIED IN  
PART** as follows:

- (1) The County defendants’ motion to dismiss Count I in the plaintiff’s second amended complaint, (Doc. [28](#)), is **GRANTED**, in part;
- (2) Count I in the plaintiff’s second amended complaint, (Doc. [28](#)), is **DISMISSED WITHOUT PREJUDICE**;

- (3) The plaintiff is granted leave to amend her second amended complaint, (Doc. [28](#)), and shall have until **August 14, 2017** to file her final complaint;
- (4) The County defendants' motion to dismiss Count III in the plaintiff's second amended complaint, (Doc. [28](#)), is **DENIED**; and
- (5) The County defendants' request to strike attorney's fees from Count III of the plaintiff's second amended complaint, (Doc. [28](#)), is **DENIED**.

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

**DATED: August 1, 2017**

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