

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

DAWN ZAVEC, *et al.*,

Plaintiffs,

v.

ROBERT COLLINS, BRIAN GIST,  
AND CITY OF WILKES-BARRE,

Defendants.

NO. 3:16-CV-00347

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 23<sup>rd</sup> day of February, 2018, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (Doc. 38) is **GRANTED in part and DENIED in part** as follows:

- (A) Plaintiffs' ADA claim relating to Mr. Zavec is **DISMISSED with prejudice**.
- (B) The Motion to Dismiss is **DENIED** in all other respects.

Defendants shall file answers to Plaintiffs' Third Amended Complaint within **twenty-one (21) days** from the date of entry of this Order.

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