

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

MICHAEL SAUERS, Individually and as Administrator of the ESTATE OF CAROLA R. SAUERS, Deceased, Plaintiff	:	No. 3:16cv811
	:	
	:	(Judge Munley)
	:	
v.	:	
	:	
	:	
STEPHEN HOMANKO, BOROUGH OF NESQUEHONING, and SEAN SMITH Defendants	:	

.....

ORDER

AND NOW, to wit, this 3rd day of March 2017, it is hereby **ORDERED** that Defendants Borough of Nesquehoning and Sean Smith’s motion to dismiss (Doc. 19) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The motion is **GRANTED** with respect to Defendant Sean Smith, and Defendant Smith is **DISMISSED** from Counts I, V, and VI;
2. The motion is **GRANTED** with respect to the plaintiff’s punitive damages claim; and
3. The motion is **DENIED** in all other respects.

**s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court**