

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

JAMES REED, :
 :
 Plaintiff : **CIVIL ACTION NO. 3:16-2143**
 :
 v. : **(JUDGE MANNION)**
 :
 LACKAWANNA COUNTY, et al., :
 :
 Defendants :

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) The objections of the Medical Defendants to the report of the magistrate judge, (**Doc. 79**), are **SUSTAINED** in part and **OVERRULED** in part.
- (2) The Medical Defendants' objections are **SUSTAINED** with respect to the plaintiff's state law civil conspiracy and intentional infliction of emotional distress claims.
- (3) The Medical Defendants' objections are **OVERRULED** as to the plaintiff's Eighth Amendment deliberate indifference claim.
- (4) In light of the above, the report of the magistrate judge, (**Doc. 78**), is **ADOPTED** with respect to the recommendation that summary judgment be denied on the plaintiff's deliberate indifference claim and **NOT ADOPTED** with respect to the recommendation that summary judgment

be denied on the plaintiff's state law civil conspiracy and intentional infliction of emotional distress claims. The report of the magistrate judge is also **ADOPTED** with respect to the recommendation that summary judgment be granted in favor of the Medical Defendants on the plaintiff's Monell claim.¹

- (5) A final pre-trial conference on the remaining Eighth Amendment deliberate indifference claim will be held on **November 21, 2019, at 1:30 p.m.**, at the William J. Nealon Federal Building and United States Courthouse.
- (6) A trial on the remaining Eighth Amendment deliberate indifference claim will be held on **December 9, 2019, at 9:30 a.m.**, at the William J. Nealon Federal Building and United States Courthouse, in a courtroom to be determined.

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

Date: September 30, 2019

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¹No party objected to the magistrate judge's recommendation on this claim and the court finds no clear error of record as to the recommendation on this claim.