

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

MARK A. KESSLER,

Plaintiff,

v.

BOROUGH OF FRACKVILLE, *et al.*,

Defendants.

NO. 3:17-CV-2231

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 8<sup>th</sup> day of May, 2018, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (Doc. 14) is **DENIED**.

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