

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

STEPHANIE BAKER,	:	No. 4:16-CV-02311
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
BENTON AREA SCHOOL DISTRICT,	:	
COLUMBIA MONTOUR SNYDER	:	
UNION COUNTIES OF CENTRAL	:	
PENNSYLVANIA SERVICE	:	
SYSTEM, COLEEN GENOVESE,	:	
KELLY KOCHER, and	:	
LINDSAY RADO,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of August 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. The Motion to Dismiss filed by Columbia Montour Snyder Union Counties of Central Pennsylvania, ECF No. 15, is **GRANTED IN PART AND DENIED IN PART** as follows:
  - a. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff’s First Amendment retaliation claim (Count I).
  - b. The motion is **DENIED** as to Plaintiff’s Pennsylvania Whistleblower Law claim (Count II).
  - c. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff’s due process claim (Count III).

2. The Motion to Dismiss filed by the Benton Area School District, Coleen Genovese, Kelly Kocher, and Lindsay Rado, ECF NO. 19, is **GRANTED IN PART AND DENIED IN PART** as follows:
- a. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's First Amendment retaliation claim (Count I) brought against the Benton Area School District.
  - b. The motion is **DENIED** as to Plaintiff's First Amendment retaliation claim (Count I) brought against Coleen Genovese, Kelly Kocher, and Lindsay Rado.
  - c. The motion is **DENIED** as to Plaintiff's Pennsylvania Whistleblower Law claim (Count II).
  - d. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's defamation claim (Count IV).
3. Plaintiff's request for a jury trial on her Pennsylvania Whistleblower Law claims (Count II) is **DENIED**.
4. Plaintiff is **GRANTED** leave to amend her complaint, as indicated in the accompanying Memorandum, **no later than twenty one (21) days** from the date of this Order.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge