

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

JOHN DOE,

Plaintiff.

v.

THE PENNSYLVANIA STATE  
UNIVERSITY, THE  
PENNSYLVANIA STATE  
UNIVERSITY BOARD OF  
TRUSTEES, ERIC J. BARRON, PAUL  
APICELLA, KAREN FELDBAUM,  
and KATHARINA MATIC,

Defendant.

No. 4:17-CV-01315

(Judge Brann)

**ORDER**

**AND NOW**, this 8<sup>th</sup> day of January 2018, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss, ECF No. 50, is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motion is **GRANTED** as to Plaintiff's Due Process Clause claim (Count I) brought against The Pennsylvania State University Board of Trustees in their official and individual capacities, Eric J. Barron in his official and individual capacities, Paul Apicella in his official

capacity, Karen Feldbaum in her official capacity, and Katharina Matic in her official capacity.

2. The motion is **DENIED** as to Plaintiff's Due Process Clause claim (Count I) brought against Paul Apicella in his individual capacity, Karen Feldbaum in her individual capacity, and Katarina Matic in her individual capacity.
3. The motion is **DENIED** as to Plaintiff's Title IX claim (Count II).
4. The motion is **GRANTED** as to Plaintiff's breach of the covenant of good faith and fair dealing claim (Count IV).
5. The motion is **GRANTED** as to Plaintiff's promissory estoppel claim (Count V).
6. Plaintiff is **GRANTED** leave to amend his complaint, as indicated in the accompanying Memorandum Opinion, **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