

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------------|---|--------------|
| DERRICK, THROUGH AND WITH HIS | : | CIVIL ACTION |
| NEXT FRIEND AND MOTHER TINA, et | : | |
| al. | : | |
| | : | |
| v. | : | |
| | : | |
| GLEN MILLS SCHOOLS, et al. | : | NO. 19-1541 |

ORDER

AND NOW, this 19th day of December, 2019, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motions of defendants to strike and/or to dismiss, in part, plaintiffs' complaint, and to sever (Docs. ## 12, 43, 46, 47, and 48) are GRANTED in part and DENIED in part;

(2) the motion of defendants Glen Mills Schools and Randy Ireson to strike and dismiss class action allegations (Doc. # 46) is DENIED without prejudice as to plaintiffs' class action allegations seeking monetary relief under Rule 23(b)(3) of the Federal Rules of Civil Procedure;

(3) the motion of defendants Glen Mills Schools and Randy Ireson to strike and dismiss class action allegations as to them (Doc. # 46) is GRANTED as to plaintiffs' class action allegations seeking declaratory and injunctive relief under Rule 23(b)(2) of the Federal Rules of Civil Procedure;

(4) the motions of defendants to dismiss plaintiffs' claims under 42 U.S.C. § 1983 in Counts One, Two, Twelve, Fourteen, Sixteen, and Eighteen of the complaint (Docs. ## 43, 46, 47, 48) are GRANTED to the extent that plaintiffs allege violations of their rights under the due process clause of the Fourteenth Amendment to the United States Constitution;

(5) the motions of defendants are otherwise DENIED;
and

(6) the motion of plaintiffs for leave to file a surreply (Doc. # 58) is GRANTED.

BY THE COURT:

/s/ Harvey Bartle III

J.