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

SHARIF GIVENS and SHARIF GIVENS, JR.	:	**CIVIL ACTION**
Plaintiff,	:	
v.	:	
MIMI WALKER, KIM LUGO; JILL NEUHAUS, FRANK IZZY, SHANNON IZZY, CHRISTINA HAGN, JOHN MCFADDEN, ANGELA MARTINEZ; MINDY HARRIS, JUDGE KEVIN KELLY, all are sued in their individual and official capacities,	:	**NO. 04-1624**
Defendants.	:	

ORDER AND MEMORANDUM

ORDER

AND NOW, this 20th day of July, 2005, upon consideration of Defendants', Mimi Walker's, Kim Lugo's, Jill Neuhaus', and Frank Izzy's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 33, filed March 24, 2005); Motion to Dismiss Plaintiff's Amended Complaint of Defendants John McFadden, Angela Martinez and Mindy Harris (Document No. 34, filed March 24, 2005); Motion to Dismiss Amended Complaint filed on behalf of Judicial Defendant, the Honorable Kevin Kelly (Document No. 38, filed April 5, 2005); Defendant, Shannon Izzy's, Motion to Dismiss Plaintiff's Amended Complaint (Document No. 42, filed April 22, 2005); Defendant, Christina Hagn's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 49, filed June 2, 2005), plaintiff's Motion in Response to All [Defendants'] Motion[s] to Dismiss (Document No.44, filed May 12, 2005), and the related submissions of the parties, for the reasons set forth in the attached memorandum, **IT IS ORDERED** as follows:

1. Defendants', Mimi Walker's, Kim Lugo's, Jill Neuhaus', and Frank Izzy's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 33) is **GRANTED WITHOUT LEAVE TO AMEND**;

2. Motion to Dismiss Plaintiff's Amended Complaint of Defendants John McFadden, Angela Martinez and Mindy Harris (Document No. 34) is **GRANTED WITHOUT LEAVE TO AMEND;**

3. Motion to Dismiss Amended Complaint filed on behalf of Judicial Defendant, the Honorable Kevin Kelly (Document No. 38) is **GRANTED WITHOUT LEAVE TO AMEND**;

4. Defendant, Shannon Izzy's, Motion to Dismiss Plaintiff's Amended Complaint (Document No. 42) is **GRANTED WITHOUT LEAVE TO AMEND**;

5. Defendant, Christina Hagn's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 49) is **GRANTED WITHOUT LEAVE TO AMEND**.

IT IS FURTHER ORDERED that plaintiff's Amended Complaint is **DISMISSED WITH PREJUDICE** as to all defendants.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** the case **CLOSED** for **STATISTICAL PURPOSES**.

MEMORANDUM

I. BACKGROUND

This case arises out of child support proceedings dating back to 1997 in the Delaware County Court of Common Pleas. *Pro se* plaintiff, Sharif Givens, filed this action under 42 U.S.C. §§ 1983, 1985, and 1986 alleging that some or all of the defendants improperly seized his assets for child support arrears in violation of his Fourth, Fifth, Sixth, and Fourteenth

Amendment rights and illegally seized his son. In his Amended Complaint, *pro se* plaintiff asserts claims on behalf of himself and his minor son, Sharif Givens, Jr., against the following defendants: Judge Kevin Kelly of the Delaware County Court of Common Pleas, Juvenile Probation Officer Shannon Izzy, Delaware County Office of Support Enforcement employees John McFadden, Angela Martinez, and Mindy Harris, and Domestic Relations employees Mimi Walker, Kim Lugo, Jill Neuhaus, Frank Izzy, and Christina Hagn. Plaintiff seeks compensatory and punitive damages and injunctive relief.

A. Factual History[1]

1. Facts Relating to Allegations that Plaintiff's Assets were Improperly Frozen and Seized

On August 24, 1992, plaintiff, Sharif Givens, was ordered to pay child support in the amount of $44 per week for his son. Plaintiff made regular child support payments until his incarceration on April 14, 1993, for an unrelated offense. In January of 1997, plaintiff inherited approximately $30,000 and placed the monies in various financial institutions. On or about March 17, 1997, plaintiff filed a *pro se* Petition to Modify Support, and, on November 19, 1997, the Support Master recommended that the Petition be denied and "ordere[d] credit for incarceration." (Am. Compl. ¶ 15) (Apr. 12, 2002 Order at 3). Plaintiff did not appeal the Support Master's recommendation. (Id.).

On September 28, 2001, by order of the Delaware County Court of Common Pleas, plaintiff's financial accounts were frozen for overdue child support payments. (Id. ¶ 25).

[1] The following facts are taken from the Amended Complaint and an April 12, 2002 Order issued by Judge Kelly in the Delaware County Court of Common Pleas. To the extent that the facts set forth in the Amended Complaint and the April 12, 2002 Order differ, the Court has accepted plaintiff's version of the facts as true in deciding the pending motions.

Thereafter, plaintiff contested the seizure and attachment and filed a Petition to Credit Arrears in the Delaware County Domestic Relations Office seeking credit based upon the Support Master's recommendation that such credit would be given during the time plaintiff was incarcerated. A hearing on the Petition began in the Delaware County Court of Common Pleas on December 14, 2001, and was adjourned to give the parties an opportunity to secure counsel. Plaintiff thereafter retained counsel, and the hearing resumed on March 19, 2002.

On April 12, 2002, Judge Kelly determined that plaintiff's outstanding child support payments totaled $16,750.57 and ordered this amount seized from his bank account. Almost one year after issuance of the April 12, 2002 order, plaintiff filed a Petition to Correct the order. The court dismissed the petition on March 14, 2003, for failure to timely file a Motion for Reconsideration and/or Notice of Appeal.

2. Facts Relating to Allegations that Sharif Givens, Jr. was Illegally Seized

On August 5, 2004, Judge Kelly adjudicated plaintiff's son, Sharif Givens, Jr., delinquent on a charge of Simple Assault, placed plaintiff's son on probation, and ordered that any violation of probation would result in the issuance of a bench warrant. Thereafter, on November 19, 2004, Judge Kelly issued a bench warrant for the arrest of plaintiff's son,[2] and plaintiff's son was detained. On November 24, Judge Kelly ordered that plaintiff's son remain in detention pending a review hearing. On December 9, 2004, Judge Kelly released plaintiff's son from detention and ordered that a bench warrant would issue upon any violation of probation including suspension

[2] According to plaintiff, on November 10, 2004, defendant Shannon Izzy, "issued a warrant for the arrest of plaintiff's son . . . and detained for violation of probation." (Am. Compl. ¶ 45). Plaintiff asserts that on December 14, 2002, Judge Kelly "identified that there was no violation of probation and there was no reason for the plaintiff's son to be detained." (Id. ¶ 46).

from school. On January 10, 2005, plaintiff's son had an altercation with another student at school and was suspended (Am. Compl. ¶ 48). The following day, Judge Kelly issued a warrant for his arrest. On January 14, 2005, Judge Kelly ordered that detention continue pending a review hearing. On February 1, 2005, Judge Kelly committed plaintiff's son to Vision Quest Boot & Hat Corp Program. On March 3, 2005, plaintiff's son was released from the program.

B. Procedural History

Pro se plaintiff, Sharif Givens, filed a Complaint in this Court on April 14, 2004. On April 26, 2004, this Court issued an Order that the action be closed due to plaintiff's failure to pay the filing fee or to file a motion to proceed *in forma pauperis.* Thereafter, plaintiff paid the filing fee and moved for reconsideration and reopening of the case, which this Court granted by Order dated May 6, 2004.

On August 11, 2004, judicial defendants, Judge Kenneth Clouse and Judge Kevin Kelly, filed a Motion to Dismiss plaintiff's Complaint on the ground that plaintiff failed to state a claim upon which relief can be granted. By Order dated October 4, 2004, the Court granted defendants' Motion to Dismiss and dismissed plaintiff's Complaint against both judges for lack of subject matter jurisdiction. On February 11, 2005 plaintiff filed an Amended Complaint, adding Frank Izzy, Shannon Izzy, and Christina Hagn as defendants, asserting new allegations against Judge Kevin Kelly, and adding his son, Sharif Givens, Jr., as a plaintiff. On March 30, 2005, the Court reinstated Judge Kevin Kelly as a defendant in the case.

Presently before the Court are five motions to dismiss.[3] The Court will address each

[3] *Pro se* plaintiff filed a "Response to All [Defendant's] Motion[s] to Dismiss" on May 12, 2005. On June 2, 2005, defendant, Christina Hagn filed a Motion to Dismiss Plaintiff's Amended Complaint. Plaintiff sought and was granted an enlargement of time to respond to that

motion in turn.

II. STANDARD OF REVIEW

A. Federal Rule of Civil Procedure 12(b)(1)

The Court will treat defendants' Rooker-Feldman arguments as motions to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Plaintiff has the burden of establishing subject matter jurisdiction. Carpet Group Int'l v. Oriental Rug Imp. Ass'n, 227 F.3d 62, 69 (3d Cir. 2000) (citing Mortensen v. First Fed. Sav. & Loan Ass'n, 549 F.2d 884, 891 (3d Cir. 1977)). The Supreme Court has held that "[w]ithout jurisdiction the court cannot proceed at all in any cause." Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94-95 (1998) (internal quotations omitted).

B. Federal Rule of Civil Procedure 12(b)(6)

Rule 12(b)(6) of the Federal Rules of Civil Procedure provides that, in response to a pleading, a defense of "failure to state a claim upon which relief can be granted" may be raised by motion. Fed. R. Civ. P. 12(b)(6). In considering a motion to dismiss under Rule 12(b)(6), a court must take all well-pleaded facts in the complaint as true and view them in the light most favorable to the plaintiff. See Jenkins v. McKeithen, 395 U.S. 411, 421 (1969). A complaint should be dismissed if "it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations." Hishon v. King & Spalding, 467 U.S. 69, 73 (1984).

Motion by July 14, 2005. As of the date of this Memorandum, plaintiff has not filed his response. Notwithstanding that fact, the Court deems it appropriate to decide all of the pending motions because Hagn's Motion to Dismiss incorporates by reference the Motion to Dismiss and Memorandum of Law filed on behalf of co-defendants Mimi Walker, Kim Lugo, Jill Neuhaus, and Frank Izzy to which plaintiff has responded; the Hagn Motion raises no additional arguments.

Generally, the court may not consider documents outside of the pleadings when ruling on a motion to dismiss. In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1426 (3d Cir. 1997). However, the court may rely on any documents "integral to or explicitly relied upon in the complaint." In re Rockefeller Ctr. Props. Sec. Litig., 184 F.3d 280, 292-93 (3d Cir. 1999); Lum v. Bank of America, 361 F.3d, 217, 222 n.3 (3d Cir. 2004); Pryor v. Nat'l Collegiate Athletic Ass'n., 288 F.3d 548, 560 (3d Cir. 2002). A court may also consider public documents and prior judicial proceedings in deciding a motion to dismiss. See Southern Cross Overseas Agencies, Inc. v. Wah Kwong Shipping Group, Ltd., 181 F.3d 410, 426 (3d Cir. 1999); see also Herring v. United States, 2004 WL 2040272, at *7 (E.D. Pa. Sept. 10, 2004). The court may rely on all such documents without converting the motion to dismiss into one for summary judgment. In re Rockefeller Ctr. Props. Sec. Litig., 184 F.3d at 292-93.

In this case, plaintiff's Amended Complaint makes reference to numerous court proceedings and public documents. Accordingly, such documents and the record in the court proceedings will be considered by the Court in deciding the motions to dismiss.

Plaintiff is proceeding *pro se*. The Court is mindful that *pro se* plaintiffs are not held to as high a pleading standard as other litigants and *pro se* pleadings must be construed liberally. Haines v. Kerner, 404 U.S. 519, 520 (1972). Thus, the Court will construe broadly the normal pleading requirements in deciding the motions to dismiss.

III. DISCUSSION

A. Claims on behalf of Sharif Givens, Jr.

Plaintiff is appearing *pro se*. Plaintiff'sAmended Complaint asserts claims on behalf of his minor son, Sharif Givens, Jr. A *pro se* parent cannot represent his minor child in federal

court. Collinsgru v. Palmyra Bd. of Educ., 161 F.3d 225, 231 (3d Cir. 1998) ([T]he right to proceed *pro se* in federal court does not give non-lawyer parents the right to represent their children in proceedings before a federal court.). Accordingly, plaintiff's claims on behalf of his minor son, Sharif Givens, Jr. are dismissed.

Notwithstanding the dismissal of all of minor plaintiff's claims, the Court notes that under Heck v. Humphrey, 512 U.S. 477, 486-87 (1994), minor plaintiff could not proceed with his claim even if represented by counsel. That is so because "in order to recover damages [under § 1983] for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid," a plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal. Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). Because minor plaintiff's detention has not been reversed, expunged, or declared invalid by a state tribunal, all claims under § 1983 claims are barred.

B. Motion to Dismiss Amended Complaint filed by the Honorable Kevin Kelly

Judge Kevin Kelly filed a Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6), arguing that the Court should dismiss the Amended Complaint for the following reasons: (1) plaintiff's claims are barred by the Rooker-Feldman doctrine; (2) plaintiff's claims are barred by the Federal Courts Improvement Act of 1996; and (3) plaintiff's claims for damages are barred by judicial immunity.

Plaintiff alleges that Judge Kelly illegally seized his son for "intimidation, vindictiveness, malice, pressure to stop plaintiff from pursuing his suit and revenge." (Am. Compl. ¶ 59). Plaintiff also alleges that Judge Kelly made various legal rulings from 2001 - 2002 related to his

child support proceeding and the detention of his son, Sharif Givens, Jr.

1. Plaintiff's Damages Claims are Barred by Judicial Immunity

To the extent the Complaint seeks damages against Judge Kelly, plaintiff's claims are barred on the ground that judges enjoy absolute immunity from damages under § 1983 for acts performed in their judicial capacity. See Pierson v. Ray, 386 U.S. 547, 553 (1967).

2. Plaintiff's Remaining Claims are Barred by the Rooker-Feldman Doctrine

To the extent plaintiff seeks equitable relief, plaintiff's claims are barred by the Rooker-Feldman doctrine. "The fundamental principle of the Rooker-Feldman doctrine [is] that a federal district court may not sit as an appellate court to adjudicate appeals of state court proceedings." Port Auth. Police Benevolent Ass'n v. Port Auth. of N.Y. & N.J. Police Dep't, 973 F.2d 169, 179 (3d Cir. 1992). The Third Circuit recently summarized the Rooker-Feldman doctrine in Knapper v. Bankers Trust Co., 407 F.3d 573 (3d Cir., 2005) as follows:

> "[A] claim is barred under Rooker-Feldman under two circumstances; first, if the federal claim was actually litigated in state court prior to the filing of the federal action or, second, if the federal claim is inextricably intertwined with the state adjudication, meaning that federal relief can only be predicated upon a conviction that the state court was wrong." Id. at 580.

In this case, plaintiff's constitutional claims were not "actually litigated in state court." Thus, Rooker-Feldman applies only if plaintiff's constitutional claims are "inextricably intertwined" with the state court adjudication. See id. at 581.

A claim is "inextricably intertwined" with the state court adjudication when "federal relief can only be predicated upon a conviction that the state court was wrong." Marran v. Marran, 376 F.3d 143, 150 (3d Cir. 2004) (citations omitted). "In other words, Rooker-Feldman does not allow a plaintiff to seek relief that, if granted, would prevent a state court from

enforcing its orders." Knapper, 407 F. 3d at 581.

The Court concludes that plaintiff's claims are inextricably intertwined with the state court decisions of the Delaware County Court of Common Pleas. The allegations contained in the Amended Complaint make clear that plaintiff's disagreement is with Judge Kelly's handling of his child support proceedings and the detention of his son. To grant plaintiff relief with respect to the child support proceedings or the detention of his son would be the functional equivalent of an appeal from the state court ruling and would render the state court judgment ineffectual. FOCUS v. Allegheny County Court of Common Pleas, 75 F.3d 834 (3d Cir. 1996); Walker v. Horn, 385 F.3d 321. 330 (3d Cir. 2004).

Under the Rooker-Feldman doctrine, this Court lacks subject matter jurisdiction to adjudicate the claims in plaintiff's Amended Complaint. Accordingly, plaintiff's claims against Judge Kelly are dismissed for lack of subject matter jurisdiction.

C. Motion to Dismiss Amended Complaint filed by Mimi Walker, Kim Lugo, Jill Neuhaus, Frank Izzy and Christina Hagn[4]

Defendants Mimi Walker, Kim Lugo, Jill Neuahus, Frank Izzy, and Christina Hagn are employees of the Domestic Relations Office of Delaware County. Plaintiff contends that Walker, Lugo, Neuhaus, and Hagn "are responsible for calculation, records, compliance with Federal/State regulations and supervision of support orders" and Frank Izzy is "responsible for court administration, courts orders, and welfare recipient case load." (Am. Compl. ¶ 4, 6).

[4] Christina Hagn was added as a party to this action on March 30, 2005 upon the filing of the Amended Complaint. On June 2, 2005, Hagn filed a Motion to Dismiss Plaintiff's Amended Complaint which incorporated by reference the Motion to Dismiss and Memorandum of Law filed on behalf of defendants Walker, Lugo, Neuhaus, and Frank Izzy.

Plaintiff alleges that Walker, Lugo, Neuhaus, and Hagn illegally froze and seized plaintiff's bank account for overdue child support. (Id. ¶ 25, 27). Plaintiff makes several additional allegations against these defendants which relate to their handling of his child support matter. (Id. ¶¶ 30(C), 36(C), 40, 52, 53, 56, 57, 58, 59). Plaintiff also alleges that Walker, Lugo, Neuhaus, and Hagn together with defendants Mindy Harris and Angela Martinez conspired to seize his assets. (Id. ¶ 55). With respect to Frank Izzy, plaintiff contends that he illegally seized his son for "intimidation, vindictiveness, malice, pressure to stop plaintiff from pursuing his suit and revenge." (Id. ¶ 59).

1. Plaintiff's Claims are Barred by the Rooker-Feldman Doctrine

For the reasons already stated above, plaintiff's claims are barred by the Rooker-Feldman doctrine. Plaintiff's Amended Complaint is inextricably intertwined with the state court rulings of the Delaware County Court of Common Pleas and are an attempt to overturn those rulings. For that reason, this Court lacks subject matter jurisdiction to adjudicate the claims against Mimi Walker, Kim Lugo, Jill Neuahus, Frank Izzy, and Christina Hagn.

2. The Amended Complaint Fails to State a Violation of the Fourth, Fifth or Sixth Amendment

Notwithstanding the Court's determination that it lacks subject matter jurisdiction, the Court will also address plaintiff's Fourth, Fifth and Sixth Amendment claims. Such claims fail as a matter of law because plaintiff has not established that defendants violated a constitutionally protected right. See Nicini v. Morra, 212 F. 3d 798, 806 (3d Cir. 2000) (plaintiff must demonstrate a violation of a right protected by the Constitution to establish a claim under 42 U.S.C. § 1983). The allegations contained in the Amended Complaint, viewed in the light most

favorable to the plaintiff, fail to "establish that a person, acting under the color of state law, deprived him of a constitutional right." Evertt v. Gould, 94 Fed. Appx. 954, 955 (3d. Cir. 2004).[5]

4. The Amended Complaint Fails to State a Violation of the Equal Protection Clause

Plaintiff has also failed to state a claim under the Equal Protection Clause of the Fourteenth Amendment. The equal protection clause, in essence, imposes the requirement that similarly situated persons be treated alike. See Williams v. Morton, 343 F.3d 212, 221 (3d Cir. 2003). "To prevail on an equal protection claim, a plaintiff must present evidence that s/he has been treated differently from persons who are similarly situated." Id; see also City of Cleburne, Tex. v. Cleburne Living Ctr., 473 U.S. 432, 439 (1985). Plaintiff has not alleged that he has been treated differently from persons who are similarly situated. Therefore, plaintiff has failed to state a claim under the Fourteenth Amendment.

5. The Amended Complaint Fails to State a Claim under 42 U.S.C. §§ 1985 and 1986

Plaintiff's Amended Complaint also fails to state a claim for conspiracy under §§ 1985 and 1986. Reading the Amended Complaint liberally, the Court construes plaintiff's § 1985 claim to be a conspiracy claim under § 1985(3). To establish a claim under 42 U.S.C. § 1985(3), plaintiff must allege (1) a conspiracy; (2) motivated by a racial animus designed to deprive, directly or indirectly, any person or class of persons to the equal protection of the laws; (3) an act in furtherance of the conspiracy; and (4) an injury to person or property or the deprivation of any

[5] The Court notes that to the extent that plaintiff is arguing that his son was seized in violation of the Fourth, Fifth, or Sixth Amendments, the Court dismissed the claims asserted on behalf of plaintiff's minor son, Sharif Givens, Jr. in Section III(A) of this Memorandum.

right or privilege of a citizen of the United States. Lake v. Arnold, 112 F.3d 682, 685 (3d Cir. 1997). "Mere conclusory allegations of deprivations of constitutional rights, are insufficient to state a § 1985(3) claim." D.R. by L.R. v. Middle Bucks Area Vocational Technical School, 972 F.2d 1364, 1377 (3d Cir. 1992) (internal citations omitted). Plaintiff has not alleged any racial or class-based discrimination behind the alleged conspiracy. Therefore, the Court concludes that plaintiff does not have a cognizable claim under § 1985(3) as a matter of law.

In light of the Court's ruling with respect to plaintiff's § 1985 claim, plaintiff's claim under 42 U.S.C. § 1986 also fails as a matter of law. See Koorn v. Lacey Twp., 78 Fed. Appx. 199, 208 (3d Cir. 2003) (citing Mian v. Donaldson, Lufkin & Jenrette Sec. Corp., 7 F.3d 1085, 1088 (2d Cir. 1993) ("[A] § 1986 claim must be predicated upon a valid § 1985 claim."); Grimes v. Smith, 776 F.2d 1359, 1363 n. 4 (7th Cir. 1985) ("Liability under § 1986 is derivative of § 1985(3) liability; without a violation of § 1985(3), there can be no violation of § 1986."). Accordingly, plaintiff's § 1986 claim is dismissed.

D. Motion to Dismiss Amended Complaint filed by John McFadden Angela Martinez, and Mindy Harris

Plaintiff alleges that John McFadden, Angela Martinez, and Mindy Harris are employees of the Delaware County Office of Support Enforcement. Mr. McFadden was the Chairman of Delaware County Council;[6] Ms. Martinez is Chief Counsel of the Office of Support Enforcement for the County of Delaware; Ms. Harris is an attorney with the Office of Support Enforcement for the County of Delaware.

[6]According to moving defendants' Motion to Dismiss, Mr. McFadden no longer serves as the Chairman of the Delaware County Council. (Def. Mot. ¶ 5).

Plaintiff's claims against McFadden, Martinez, and Harris arise out of his child support proceedings in Delaware County Court. For the reasons set forth above, plaintiff's claims are barred by Rooker-Feldman.

E. Motion to Dismiss Amended Complaint filed by Shannon Izzy

Shannon Izzy is a Juvenile Probation Officer in the Delaware Country Probation Office**.** Plaintiff alleges that Shannon Izzy "issued a warrant for plaintiff's son arrest, had his 13-year old child taken from school by police and detained for violation of probation." (Am. Compl. ¶ 45). Plaintiff further alleges that Shannon Izzy "conditioned the plaintiff's son release upon an increase of probation requirements to include suspension from school" and illegally seized plaintiff's son for "intimidation, vindictiveness, malice, pressure to stop plaintiff from pursuing his suit and revenge." (Id. ¶¶ 47, 59). For the reasons stated above, plaintiff's claims against Shannon Izzy are barred by the Rooker-Feldman doctrine.

IV. CONCLUSION

For the forgoing reasons the Motions to Dismiss plaintiff's Amended Complaint filed by the Honorable Kevin Kelly, Christina Hagn, Shannon Izzy, Mimi Walker, Kim Lugo, Jill Neuhaus, Frank Izzy, John McFadden, Angela Martinez and Mindy Harris are granted and plaintiff's claims against said defendants are dismissed with prejudice.

BY THE COURT:

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JAN E. DUBOIS, J.