

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

RICHARD VIETH, NORMA JEAN VIETH, and SUSAN FUREY,

CIVIL NO.1:CV-01-2439

Plaintiffs

FILED HARRISBURG, PA

v.

FEB 2 2 2002

COMMONWEALTH OF PENNSYLVANIA, et al.

MARY E. PANDREA. CLERK

Defendants

ORDER

In accordance with the accompanying memorandum of law, **IT IS HEREBY ORDERED THAT**:

- (1) Defendant Executive Officers' motion to dismiss pursuant to Rule 12(b)(1) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - (A) As to Defendant Commonwealth of Pennsylvania, the motion is **GRANTED**, all claims against the Commonwealth are dismissed;
 - (B) In all other respects, the motion is **DENIED**;
- (2) Defendant Presiding Officers' motion to dismiss pursuant to Rule 12(b)(1) is **DENIED**;
- (3) Defendant Executive Officers' motion to dismiss pursuant to Rule 12(b)(6) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - (A) The motion is **GRANTED** as to Counts II, III, IV and V of the amended complaint;
 - (B) The motion is **DENIED** as to Count I of the amended complaint;

(4) Defendant Presiding Officers' motion to dismiss pursuant to Rule 12(b)(6) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

(A) The motion is **GRANTED** as to Counts II, III, IV and V of the amended complaint;

(B) The motion is **DENIED** as to Count I of the amended

complaint.

RICHARD L. NYGAARD United States Circuit Judge

WILLIAM H. YOHN Vr. / United States District Judge

SYLVIA H. RAMBO

United States District Judge

Dated: February 27, 2002.

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

February 22, 2002

Re: 1:01-cv-02439 Vieth v. Commonwealth of PA

True and correct copies of the attached were mailed by the clerk to the following:

Robert B. Hoffman, Esq. Reed Smith LLP Ninth Floor 213 Market St Harrisburg, PA 17101-2132

Paul M. Smith, Esq. Jenner & Block, L.L.C. 601 Thirteenth Street, NW. Washington, DC 20005

Thomas J. Perrelli, Esq. Jenner & Block, L.L.C. 601 Thirteenth Street, NW. Washington, DC 20005

Bruce V. Spiva, Esq. Jenner & Block, L.L.C. 601 Thirteenth Street, NW. Washington, DC 20005

Daniel P. Mach, Esq. Jenner & Block, L.L.C. 601 Thirteenth Street, NW. Washington, DC 20005

Brian P. Hauck, Esq. Jenner & Block, L.L.C. 601 Thirteenth Street, NW. Washington, DC 20005

J. Bart DeLone, Esq. Office of the Attorney General Appellate Litigation Sect 15th Floor, Strawberry Square Harrisburg, PA 17120

Linda J. Shorey, Esq. Kirkpatrick & Lockhart 240 North Third Street Harrisburg, PA 17101

Jason E. Oyler, Esq. Kirkpatrick & Lockhart LLP 240 North Third Street Harrisburg, PA 17101

John P. Krill Jr., Esq. Kirkpatrick & Lockhart LLP $240\ \bar{N}$. Third Street Harrisburg, PA 17101-1507

Fax No.: 17172314501

Julia M. Glencer, Esq. Kirkpatrick & Lockhart $240\ {
m N}$. Third Street Harrisburg, PA 17101

cc: Judge Magistrate Judge U.S. Marshal Probation U.S. Attorney Atty. for Deft. Defendant	() () () ()) Hygaard () Pro Se Law Clerk) Your () INS () Jury Clerk))
Warden Bureau of Prisons Ct Reporter Ctroom Deputy Orig-Security Federal Public Defender Summons Issued	() () () () ()	<pre>with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()</pre>
Standard Order 93-5 Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court Other	_()	MARY E. D'ANDREA, Clerk
DATE: 2/22/07		BY: Pullum

DATE: 3/23/02

Deputy Clerk