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

RAYMOND SAMUEL DAVENPORT, III	:	**CIVIL ACTION**
	:	
v.	:	**NO. 17-1616**
	:	
POTTSTOWN HOSPITAL COMPANY LLC, *et al.*	:	

ORDER

AND NOW, this 6th day of October 2017, upon considering Defendants Pottstown Hospital Company, LLC, Jose Ortiz and Rita Andrews's Motion to Dismiss (ECF Doc. No. 39), Plaintiff's Response (ECF Doc. No. 43), Defendants' Reply (ECF Doc. No. 46) and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion to Dismiss (ECF Doc. No. 39) is **GRANTED in part** and **DENIED in part**:

1. Plaintiff's §1983 claims against Jose Ortiz (Counts I and III) are **dismissed with prejudice;**

2. Plaintiff's negligence claim against Pottstown Hospital Company, LLC and Rita Andrews (Count VII) is **dismissed;**

3. Plaintiff's corporate negligence claim against the Hospital (Count VIII) is **dismissed;** and,

4. Plaintiff may proceed on his intentional infliction of emotional distress claim against the Hospital, Jose Ortiz and Rita Andrews (Count X) who shall answer the Second Amended Complaint on or before **October 20, 2017.**

KEARNEY, J.

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