

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

<b>RICHARD HOLLIHAN,</b>	:	<b>CIVIL ACTION NO. 3:15-CV-5</b>
	:	
<b>Plaintiff &amp; Putative</b>	:	<b>(Chief Judge Conner)</b>
<b>Class Representative</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>PENNSYLVANIA DEPARTMENT</b>	:	
<b>OF CORRECTIONS, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 20th day of January, 2016, upon consideration of the motions to dismiss filed by defendants Wexford Health Sources, Inc., (Doc. 17), Drs. Rashida Mahmud and John Robinson, (Doc. 28), and Dr. Donald Kern, (Doc. 42), and the motion (Doc. 60) for judgment on the pleadings filed by defendants Pennsylvania Department of Corrections, John Wetzel, and Bryan Hyde (collectively, “Commonwealth defendants”), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 28) to dismiss filed by Dr. Rashida Mahmud and Dr. John Robinson and the motion (Doc. 60) for judgment on the pleadings filed by the Commonwealth defendants are GRANTED to the extent they seek dismissal of Counts III and IV of plaintiff Richard Hollihan’s (“Hollihan”) complaint (Doc. 1). The motions (Docs. 28, 60) are DENIED in all other respects.
2. The motions (Docs. 17, 42) to dismiss filed by Wexford Health Sources, Inc. and Dr. Donald Kern are DENIED.

3. Counts III and IV of Hollihan's complaint (Doc. 1) are **DISMISSED** without prejudice. Hollihan is granted leave to file an amended complaint within twenty (20) days of the date of this order that addresses the deficiencies described in the accompanying memorandum with respect to Counts III and IV. If Hollihan fails to file an amended pleading within that time, Counts III and IV shall be dismissed with prejudice.
4. In the absence of a timely filed amended complaint, the above-captioned action shall proceed on the remaining claims.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania