

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 10-2765

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SEEDS OF PEACE COLLECTIVE; THREE RIVERS  
CLIMATE CONVERGENCE

v.

CITY OF PITTSBURGH; LUKE RAVENSTAHL, Mayor of Pittsburgh;  
MICHAEL HUSS, Director of Public Safety; NATHAN HARPER, Chief of the  
Pittsburgh Bureau of Police; WILLIAM E. BOTCHER, Assistant Chief of the Pittsburgh  
Bureau of Police; MICHAEL T. RADLEY, Assistant Director of Pittsburgh City Parks;  
OFFICER KEVIN SELLERS (Badge No. 3602); OFFICER ERIC KURVACH (Badge  
No. 3480); OFFICERS DOE 1-100;

MICHAEL T. RADLEY, OFFICER KEVIN SELLERS,  
OFFICER ERICH KURVACH,

Appellants.

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D. C. No. 2-09-cv-01275)  
District Judge: Honorable Gary L. Lancaster

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Submitted under Third Circuit LAR 34.1(a)  
on March 18, 2011

Before: BARRY, CHAGARES, and ROTH, Circuit Judges

**JUDGMENT**

This case came on to be heard on the record before the United States District Court for the Western District of Pennsylvania and was submitted under Third Circuit LAR 34.1(a) March 18, 2011.

Upon consideration whereof,

**IT IS ORDERED AND ADJUDGED** by this Court that the order of the District Court entered May 26, 2010, be and the same hereby is vacated in part and remanded to the District Court for further proceedings. The order is vacated to the extent that it denied the appellants' motion to dismiss the claims of Three Rivers Climate Convergence against them. Each party to bear its own costs.

All of the above in accordance with the Opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron

Clerk

Dated: November 29, 2011



**Certified as a true copy and issued in lieu  
of a formal mandate on 12/21/2011**

Teste: *Marcia M. Waldron*  
Clerk, U.S. Court of Appeals for the Third Circuit