

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

Jane Doe, : CIVIL ACTION
 :
 Plaintiff, :
 v. :
 : Judge A. Richard Caputo
 LUZERNE COUNTY, RYAN FOY, in :
 his individual capacity, and :
 BARRY STANKUS, in his :
 individual capacity :
 :
 Defendants. : NO. 3:08-CV-1155

**DEFENDANTS RYAN FOY, BARRY STANKUS AND
LUZERNE COUNTY'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Ryan Foy ("Foy"), Barry Stankus ("Stankus") and Luzerne County ("County") (collectively, "Defendants") respectfully request that this Court enter summary judgment in their favor and against Plaintiff Jane Doe. In support of this motion, Defendants incorporate herein their statement of undisputed material facts, filed contemporaneously herewith, as well as their supporting brief, which establish that there is no genuine issue of material

fact and Defendants are entitled to judgment in their favor.

Respectfully submitted,

/s/Mark W. Bufalino

Mark W. Bufalino

ELLIOTT GREENLEAF & DEAN

39 Public Square, Suite 1000

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(570) 371-5290

Attorneys for Defendants
Ryan Foy, Barry Stankus and
Luzerne County

DATED: March 29, 2010

CERTIFICATE OF SERVICE

I, Mark W. Bufalino, hereby certify that I have caused to be served on this day, a true and correct copy of Defendants' motion for summary judgment via electronic filing and via U.S. first-class mail, postage prepaid as follows:

Cynthia L. Pollick, Esquire
363 Laurel Street
Pittston, PA 18640

Attorney for Plaintiff

/s/ Mark W. Bufalino
Mark W. Bufalino

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ORDER

NOW, this ___ day of _____, 2010, upon
consideration of Defendants' motion for summary
judgment, it is hereby ORDERED that Plaintiff's claims
against Defendants are DISMISSED, with prejudice.

Caputo, J.

CERTIFICATE OF NON-CONCURRENCE

I, Mark W. Bufalino, certify that I attempted to contact Plaintiff's counsel for the purpose of determining whether Plaintiff consented to the motion for summary judgment filed by Defendants in this matter, but she was unavailable. It is therefore presumed that she does not concur in the foregoing motion.

/s/Mark W. Bufalino
Mark W. Bufalino

DATED: March 29, 2010