

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAUL MARRIOT, BARBARA DAVIS,
and ANDY RIVERA, on behalf of themselves
and a certified class of others
similarly situated

Plaintiffs,

-v-

THE COUNTY OF MONTGOMERY,
MONTGOMERY COUNTY SHERIFF'S
DEPARTMENT, MICHAEL AMATO,
JEFFREY SMITH, KEVIN SNELL,
JOHN PECORA and SUE BUDDLES,

Defendants.

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the oral decision entered into the record after hearing oral argument on
October 14, 2005, in Utica, New York, it is hereby

ORDERED that

(1) Defendants' motion to limit the type of compensation under the Prison Litigation
Reform Act, 42 U.S.C. §1997e(e), is DENIED;

(2) Defendants' motion to dismiss the claim for punitive damages is DENIED,
without prejudice; and

(3) Defendants' motion to dismiss the complaint against the defendant Montgomery
County Sheriff's Department and defendants Michael Amato, Jeffrey Smith, Kevin Snell,
John Pecora and Sue Buddles in their official capacities is GRANTED as the defendant
County of Montgomery is liable for the acts of the Montgomery County Sheriff's Department,

U. S. DISTRICT COURT
N. D. OF N. Y.
FILED

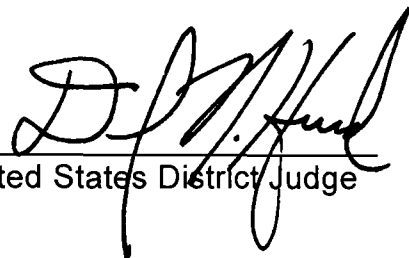
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LAWRENCE K. BAERMAN, Clerk
UTICA

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which is not a legal entity, and for the acts of the remaining defendants in their official capacities as employees of the County of Montgomery.

IT IS SO ORDERED.


United States District Judge

Dated: October 14, 2005
Utica, New York.