

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ASHTON WHITAKER,  
a minor, by his mother and  
next friend,  
MELISSA WHITAKER,

Case No. 16-cv-00943-pp

Plaintiff,

KENOSHA UNIFIED SCHOOL DISTRICT  
NO. 1 BOARD OF EDUCATION and  
SUE SAVAGLIO-JARVIS,  
in her official capacity as  
Superintendent of the Kenosha  
Unified School District No. 1,

Defendants.

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**\*\*AMENDED\*\* ORDER DENYING DEFENDANTS' RULE 12(b)(6) MOTION TO  
DISMISS THE AMENDED COMPLAINT (DKT. NO. 14)**

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On September 6, 2016, the court heard argument on the defendants' Rule 12(b)(6) motion to dismiss the amended complaint (Dkt. No. 14). See Dkt. No. 26 (court minutes from oral argument). On September 19, 2016, after having reviewed the pleadings and attachments and considered the parties' oral arguments, the court delivered its oral ruling, denying the defendants' motion to dismiss the amended complaint. Dkt. No. 28 (court minutes memorializing oral ruling).

For the reasons stated on the record during that oral ruling, the court

**ORDERS** that the defendants' Rule 12(b)(6) motion to dismiss the amended complaint is **DENIED**. Dkt. No. 14.

Dated in Milwaukee, Wisconsin this 24<sup>th</sup> day of September, 2016.

**BY THE COURT:**

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

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**HON. PAMELA PEPPER**  
**United States District Judge**