

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

SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

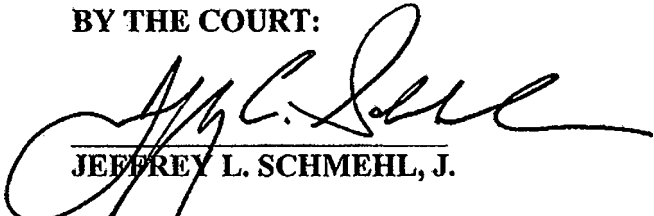
Defendants.

CIVIL ACTION NO. 22-5148

ORDER

AND NOW, this ^{19th} day of September, 2024, after considering Defendants Commonwealth of Pennsylvania and Pennsylvania State Board of Veterinary Medicine's ("Commonwealth Defendants") Motion to Dismiss, ECF No. 43, it is hereby **ORDERED** that the motion is **GRANTED** and the counts against the Commonwealth Defendants are **DISMISSED WITH PREJUDICE**.¹

BY THE COURT:


JEFFREY L. SCHMEHL, J.

¹ The Court construes the Amended Complaint as asserting causes of action under 42 U.S.C. § 1983 against the Commonwealth Defendants, alleging violations of the First and Fourteenth Amendments of the Constitution. Suits against such defendants are not cognizable under § 1983. See *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 66 (1989); *Karns v. Shanahan*, 879 F.3d 504, 513 (3d Cir. 2018). Plaintiff's claims are, moreover, barred by sovereign immunity. See generally *Alden v. Maine*, 527 U.S. 706, 712 (1999).

APPENDIX A

2 r

IN THE UNITED STATES DISTRICT COURT
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SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
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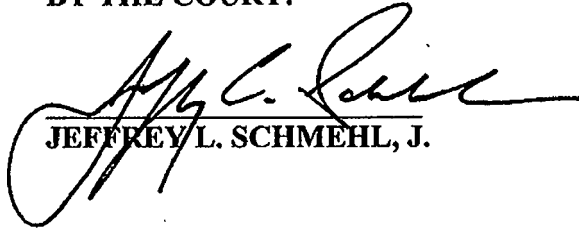
Defendants.

CIVIL ACTION NO. 22-5148

ORDER

AND NOW, this 26th day of September, 2024, after considering Defendants Sara Gray and Bennett, Bricklin & Saltzburg LLC's Motion to Dismiss, ECF No. 15, it is hereby **ORDERED** that the motion is **GRANTED** and the counts against the Defendants are **DISMISSED WITH PREJUDICE**.¹

BY THE COURT:


JEFFREY L. SCHMEHL, J.

¹ Plaintiff first asserts 42 U.S.C. § 1983 claims against the attorney defendants, alleging First and Fourteenth Amendment violations in connection with their work as defense counsel in related state litigation. To sustain a § 1983 against private attorneys, the Plaintiff must show that the attorney defendants acted under the color of law. "Attorneys performing their traditional functions will not be considered state actors solely on the basis of their position as officers of the court." *Angelico v. Lehigh Valley Hosp., Inc.*, 184 F.3d 268, 277 (3d Cir. 1999). As Plaintiff merely pleads facts showing that the Defendants were performing functions common to private malpractice defense, her § 1983 claims fail.

Plaintiff also asserts a violation of § 1985(2). Like before, her allegations relate to conduct by the attorney defendants that falls within the normal scope of legal representation. As such,

~~APPENDIX B~~ APPENDIX B

Plaintiff has failed to allege facts sufficient to overcome the attorney defendants' § 1985 immunity. See *Heffernan v. Hunter*, 189 F.3d 405, 413 (3d Cir. 1999).

Finally, Plaintiff alleges three state-law causes of action: (1) abuse of process; (2) negligent infliction of emotional distress; and (3) intentional infliction of emotional distress.

To state a cause of action for abuse of process, the plaintiff must aver that the defendant: "(1) used a legal process against the plaintiff, (2) primarily to accomplish a purpose for which the process was not designed; and (3) harm has been caused to the plaintiff." *Lerner v. Lerner*, 2008 954 A.2d 1229, 1238 (Pa. Super. Ct. 2008) (citing *Shiner v. Moriarty*, 706 A.2d 1228, 1236 (Pa. Super. Ct. 1998)). As Plaintiff fails to allege any facts indicating that the attorney defendants used Pennsylvania's certificate-of-merit requirement, and related sanctions process, for a purpose for which it was not intended, Plaintiff has failed to plead a claim for abuse of process.

To state a cause of action for negligent infliction of emotional distress, Plaintiff must plead one of the following situations: "(1) the defendant had a contractual or fiduciary duty toward the plaintiff; (2) the plaintiff was subjected to a physical impact; (3) the plaintiff was in a zone of danger and reasonably feared impending physical injury; or (4) the plaintiff observed a tortious injury to a close relative." *Richardson v. United States*, No. 23-2015, 2024 WL 3654018, at *5 (E.D. Pa. Aug. 5, 2024) (citing *Runner v. C.R. Bard*, 108 F. Supp. 3d 261, 272 (E.D. Pa. 2015)). Since Plaintiff does not plead any of those factual scenarios, she fails to establish a claim for negligent infliction of emotional distress.

Finally, to state a cause of action for intentional infliction of emotional distress, one must allege: "(1) the conduct must be extreme and outrageous; (2) the conduct must be intentional or reckless; (3) it must cause emotional distress; and (4) the distress must be severe." *Madreperla v. Williard Co.*, 606 F. Supp. 874, 879-80 (E.D. Pa. 1985) (citing *Chuy v. Philadelphia Eagles Football Club*, 595 F.2d 1265, 1273 (3d Cir. 1979)). Here, Plaintiff merely avers that the attorney defendants "caused Lloyd emotional distress by violating Lloyds [sic] civil rights." Such an averment falls well short of the extreme-and-outrageous standard required by Pennsylvania law. See *Cloverleaf Dev., Inc. v. Horizon Fin. F.A.*, 500 A.2d 163, 169 (Pa. Super. Ct. 1985) ("Liability can be found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and be regarded as atrocious and utterly intolerable in a civilized community."). Consequently, Plaintiff fails to state a claim for intentional infliction of emotional distress.

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

SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
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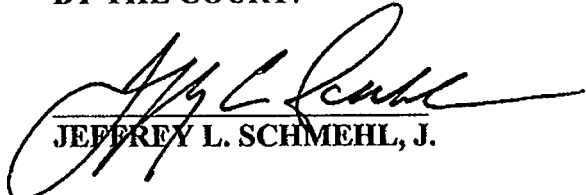
Defendants.

CIVIL ACTION NO. 22-5148

ORDER

AND NOW, this 26th day of September, 2024, after considering Defendant Emily Ramos' Motion to Dismiss, ECF No. 84, it is hereby **ORDERED** that the motion is **GRANTED** and all counts against the Defendant are **DISMISSED WITH PREJUDICE**.¹ It is **FURTHER ORDERED** that Defendant's Motion to Strike Proof of Service, ECF No. 55, is **DENIED AS MOOT**.

BY THE COURT:


JEFFREY L. SCHMEHL, J.

¹ Plaintiff's amended complaint asserts five counts against Defendant Emily Ramos: (1) 42 U.S.C. § 1983 claims; (2) a violation of *id.* § 1985; (3) negligence; (4) negligent infliction of emotional distress; and (5) intentional infliction of emotional distress. The amended complaint avers that Defendant Ramos is a veterinary technician at a private veterinary clinic. Am. Compl. ¶ 6, ECF No. 13. Nowhere in the fifty-page complaint does the Plaintiff provide any facts that remotely support a theory that Defendant Ramos acted "under the color of law" as defined by § 1983. Plaintiff's § 1983 claim thus fails. Likewise, Plaintiff's § 1985 claim, which cites to the final clause of subparagraph (2), fails because Plaintiff does not allege the presence of "class-based, invidiously discriminatory animus." *Brawer v. Horowitz*, 535 F.2d 830, 840 (3d Cir. 1976) (citing *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971)). Finally, the court declines to exercise supplemental jurisdiction over the remaining state-law counts.

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

SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

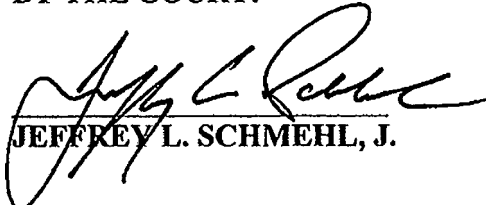
Defendants.

CIVIL ACTION NO. 22-5148

ORDER

AND NOW, this 26th day of September, 2024, after considering Defendants Exton Vet Clinic and Shannon Stanek's Motion to Dismiss, ECF No. 23, it is hereby **ORDERED** that the motion is **GRANTED** and the counts against the Defendants are **DISMISSED WITH PREJUDICE**.¹

BY THE COURT:


JEFFREY L. SCHMEHL, J.

¹ Plaintiff's amended complaint asserts six counts against Defendants Exton Vet Clinic and Shannon Stanek: (1) 42 U.S.C. § 1983 claims alleging a violation of the First and Fourteenth Amendments; (2) a violation of *id.* § 1985; (3) abuse of process; (4) negligence; (5) negligent infliction of emotional distress; and (6) intentional infliction of emotional distress. The amended complaint avers that Defendant Exton Vet Clinic is a private veterinary clinic and Defendant Shannon Stanek is a private veterinarian. Am. Compl. ¶¶ 4-5, ECF No. 13. Since the Plaintiff does not provide any facts to support a theory that the Defendants acted "under the color of law" as defined by § 1983, the § 1983 claims fail. Likewise, Plaintiff's § 1985 claim, which cites to the final clause of subparagraph (2), fails because Plaintiff does not allege the presence of "class-based, invidiously discriminatory animus." *Brawer v. Horowitz*, 535 F.2d 830, 840 (3d Cir. 1976) (citing *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971)). The court declines to exercise supplemental jurisdiction over the remaining state law counts.

32

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

SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

CIVIL ACTION NO. 22-5148

ORDER

AND NOW, this 30th day of September, 2024, after considering Defendants Uwchlan Township Police Department, Maureen Evans, and Nicole Navarra's motion for judgment on the pleadings, ECF No. 95, Plaintiff Susan Lloyd's motion to deny Defendants' motion for judgment on the pleadings, ECF No. 98, Plaintiff's motion for summary judgment, ECF No. 104, and the responses thereto, it is hereby **ORDERED** as follows.

1. The Defendants' motion for judgment on the pleadings, ECF No. 95, is

GRANTED IN PART and DENIED IN PART.¹

2. The motion is **GRANTED IN PART** with respect to the following claims,

which are **DISMISSED WITH PREJUDICE**:

(a) the official-capacity First Amendment claims against Defendants Evans and Navarra;

(b) Plaintiff's Fourteenth Amendment claims against all Defendants;

(c) the 42 U.S.C. § 1985 claims against all Defendants;

(d) the intentional-infliction-of-emotional-distress claims against all Defendants; and

APPENDIX C
33

(e) the negligent-infliction-of-emotional-distress claims against all Defendants.

3. The motion is **DENIED IN PART** with respect to Plaintiff's First Amendment claims against Defendant Uwchlan Township Police Department and Defendants Evans and Navarra in their individual capacities.
4. The Plaintiff's motion to deny Defendants' motion for judgment on the pleadings, ECF No. 98, is **DENIED**.
5. The Plaintiff's motion for summary judgment, ECF No. 104, is **DENIED**.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.

¹ The Court construes the amended complaint as asserting five causes of action against Defendants Uwchlan Township Police Department, Lieutenant Maureen Evans, and Officer Nicole Navarra. They are: (1) a 42 U.S.C. § 1983 First Amendment claim; (2) a § 1983 Fourteenth Amendment claim; (3) a § 1985(2) conspiracy claim; (4) an intentional-infliction-of-emotional-distress claim; and (5) a negligent-infliction-of-emotional-distress claim. The Plaintiff brings these claims against the police-officer defendants in both their official and individual capacities.

With respect to the First Amendment claim, the Plaintiff alleges that she commented on the Uwchlan Township Police Department's public Facebook page, complaining about the adequacy of the Department's investigation into the death of her dog, Domino. After so commenting, Plaintiff claims that she "was immediately blocked and her comments deleted." Am. Compl. ¶ 34, ECF No. 13. Plaintiff further avers that, "This page is censored by Nicole Navarra and Maureen Evans and others from the Uwchlan Township Police Department." *Id.*

Although inartful, the Court construes the Plaintiff's complaint as alleging that Defendants Evans and Navarra removed Plaintiff's posts and blocked her Facebook account based upon the viewpoint of Plaintiff's comments and as part of a broader policy or custom of censorship. This allegation presents a colorable First Amendment claim against both the police-officer defendants and the municipal entity. *See Miller v. Goggin*, 672 F. Supp. 3d 14, 43-44 (E.D. Pa. 2023) (collecting cases); *see also Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691 (1978).

The Court concludes, however, that—as to the official-capacity aspect of these claims—the police-officer defendants are entitled to qualified immunity. “Qualified immunity shields federal and state officials from money damages” unless the official violated a statutory or constitutional right that “was ‘clearly established’ at the time of the challenged conduct.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). Absent controlling authority, a robust “consensus of cases of persuasive authority” is necessary to clearly establish a right. *Id.* at 743 (quoting *Wilson v. Layne*, 526 U.S. 603, 617 (1999)). Since, at the time the alleged violations occurred, there was no such consensus establishing the unfettered right to access, and post on, a police department’s Facebook page, the Court will grant the police-officer defendants qualified immunity and dismiss the official-capacity First Amendment claims against Defendants Evans and Navarra.

Finally, the Defendants urge the Court to fully dismiss Plaintiff’s First Amendment claims, arguing that her posts were never removed, and her account was never blocked. In support, the Defendants have attached to their motion for judgment on the pleadings, ECF No. 95, an exhibit purporting to show that Plaintiff’s comments remain publicly visible. Assuming that the screenshot indeed reflects Plaintiff’s comments, but taking Plaintiff’s averments as true, a dispute of fact still remains as to whether the Defendants deleted any other posts and whether Plaintiff’s account was ever blocked. *See, e.g.*, Pl.’s Mot. Summ. J. ¶ 5, ECF No. 104; Pl.’s Resp. to Defs.’ Opp. to Pl.’s Mot. Summ. J. ¶ 13, ECF No. 106. Defendants’ screenshot does not dispositively resolve this lingering question. Now, if after discovery, no genuine dispute remains on this point, the Defendants may move for summary judgment.

As to the Plaintiff’s Fourteenth Amendment claims, Plaintiff alleges that the Defendants violated her “due process rights of the law, by falsifying and concealing documents [and] also refus[ing] to redress Lloyds grievances, reopen Lloyds complaint, transfer Lloyds complaint to another district and/or open an investigation into Stanek inciting violence.” Am. Compl. ¶ 42, ECF No. 13. To the extent that the Plaintiff makes a fabrication-of-evidence claim, the claim fails because she was never the subject of a criminal conviction, much less a prosecution. *See Black v. Montgomery Cnty.*, 835 F.3d 358, 369 (3d Cir. 2016). To the extent that the Plaintiff makes an inadequate-police-investigation claim, such a claim is not cognizable under the Fourteenth Amendment. *See Thomas v. City of Phila.*, 290 F. Supp. 3d 371, 386 (E.D. Pa. 2018).

Turning to the Plaintiff’s remaining counts, the Plaintiff asserts a 42 U.S.C. § 1985 claim, citing to the final clause of subparagraph (2). To state a cause of action under that clause of § 1985(2), Plaintiff must aver facts showing that the conspiracy was born out of a “‘class-based, invidiously discriminatory animus.’” *Brawer v. Horowitz*, 535 F.2d 830, 840 (3d Cir. 1976) (citing *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971)). As Plaintiff fails to aver such facts, her § 1985 claim fails.

To state a cause of action for intentional infliction of emotional distress, one must allege: “(1) the conduct must be extreme and outrageous; (2) the conduct must be intentional or reckless; (3) it must cause emotional distress; and (4) the distress must be severe.” *Madreperla v. Williard Co.*, 606 F. Supp. 874, 879-80 (E.D. Pa. 1985) (citing *Chuy v. Philadelphia Eagles Football Club*, 595 F.2d 1265, 1273 (3d Cir. 1979)). Here, Plaintiff merely avers that the Defendants “caused

lloyd emotional distress by obstructing Lloyd justice, falsifying documents during criminal investigation into dominos death and by refusing to open any investigation into Stanek and other Defendants incitement of violence towards Lloyd.” Am Compl. ¶ 85, ECF No. 13. Such an averment falls well short of establishing any facts that satisfy the extreme-and-outrageous standard required by Pennsylvania law. *See Cloverleaf Dev., Inc. v. Horizon Fin. F.A.*, 500 A.2d 163, 169 (Pa. Super. Ct. 1985) (“Liability can be found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and be regarded as atrocious and utterly intolerable in a civilized community.”). Plaintiff therefore fails to state a claim for intentional infliction of emotional distress.

Lastly, to state a cause of action for negligent infliction of emotional distress, Plaintiff must plead one of the following situations: ““(1) the defendant had a contractual or fiduciary duty toward the plaintiff; (2) the plaintiff was subjected to a physical impact; (3) the plaintiff was in a zone of danger and reasonably feared impending physical injury; or (4) the plaintiff observed a tortious injury to a close relative.” *Richardson v. United States*, No. 23-2015, 2024 WL 3654018, at *5 (E.D. Pa. Aug. 5, 2024) (citing *Runner v. C.R. Bard*, 108 F. Supp. 3d 261, 272 (E.D. Pa. 2015)). Since Plaintiff does not plead any of those factual scenarios with respect to the Defendants, she fails to establish a claim for negligent infliction of emotional distress.

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

SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

CIVIL ACTION
NO. 5:22-cv-05148-JLS

ORDER

AND NOW, this 25th day of August, 2025, upon consideration of the Motion for Summary Judgment filed by Defendants Uwchlan Township Police Department, Maureen Evans, and Nicole Navarra, ECF No. 167, the Cross-Motion for Summary Judgment filed by Plaintiff Susan Lloyd, ECF No. 169, and Plaintiff's Motion for Reconsideration, ECF No. 140, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** as follows:

- (1) Defendants' Motion for Summary Judgment is **GRANTED**;
- (2) Plaintiff's Cross-Motion for Summary Judgment is **DENIED**;
- (3) Plaintiff's Motion for Reconsideration is **DENIED**;
- (4) **JUDGMENT** is **ENTERED** in favor of Defendants Uwchlan Township Police Department, Maureen Evans, and Nicole Navarra and against Plaintiff Susan Lloyd; and
- (5) The Clerk of Court is **DIRECTED** to **CLOSE** this case.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFERY L. SCHMEHL, J.

APPENDIX D

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2642

SUSAN LLOYD,
Appellant

v.

COMMONWEALTH OF PENNSYLVANIA, Official and Individual Capacity;
SARA GRAY, Official and Individual Capacity; BENNETT BRICKLIN AND
SALTZBURG, Official and Individual Capacity; PENNSYLVANIA STATE
BOARD OF VETERINARIAN MEDICINE; EXTON VET CLINIC; SHANNON
STANEK; EMILY BOURET a/k/a EMILY RAMOS; HEATHER WESTFALL, VMD;
HELENA DOMENIC; PEEJ DUKEY; JANE AND JOHN DOE PARMAR a/k/a
PARMAR FAMILY; CLERKS OFFICE, Official and Individual Capacity;
UWCHLAN TOWNSHIP POLICE DEPARTMENT, Official and Individual
Capacity; NICOLE NAVARRA, Official and Individual Capacity;
MAUREEN EVANS, Official and Individual Capacity; BRANDYWINE VALLEY
SPCA, Official and Individual Capacity; BRYAN JACKSON, Official
and Individual Capacity; DANIEL ACHUFF, Official and Individual Capacity

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(E.D. Pa. Civ. No. 5:22-cv-05148)
District Judge: Honorable Jeffrey L. Schmehl

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 24, 2026

Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

(Opinion filed: March 30, 2026)

APPENDIX E
38

OPINION*

PER CURIAM

Pro se appellant Susan Lloyd seeks review of several orders of the District Court in this civil rights action concerning the death of Lloyd's service dog and comments left by Lloyd on a government social media account. Those orders collectively rejected all of Lloyd's claims in response to defense motions under Federal Rules of Civil Procedure 12(b)(6) (failure to state a claim), 12(c) (judgment on the pleadings), and 56(a) (summary judgment). Discerning no reversible error by the District Court, we will affirm.

I.¹

Lloyd brought her service dog, Domino, to defendant Exton Vet Clinic (EVC) to obtain anti-inflammatory medicine. During the visit, Domino was administered pentobarbital. He died. Outraged, Lloyd sued the clinic and its staff in the Court of Common Pleas of Chester County, Pennsylvania.² EVC was represented in that litigation by defendants Sara Gray and her law firm, Bennett, Bricklin & Saltzburg LLC (BBS).

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

¹ The factual recitation that follows is drawn from Lloyd's operative pleading—her first amended complaint. None of Lloyd's four subsequent attempts to amend was authorized.

² Lloyd's suit in state court ran into an obstacle: Pennsylvania's certificate-of-merit (COM) requirement. *See* Pa. R. Civ. P. 1042.3(a). Defendant clerk of the state court (the Clerk's Office) entered a judgment of non pros against Lloyd. *Lloyd v. Veterinary Orthopedic Servs., Ltd.*, 344 A.3d 1075 (Table), 2025 WL 1825123, at *7 (Pa. Super. Ct. 2025). Lloyd filed a substantially similar second suit, which also failed. *See Lloyd v.*

In addition to suing EVC and its staff in state court, Lloyd reported their actions to defendants Brandywine Valley SPCA (BV SPCA), the Pennsylvania State Board of Veterinary Medicine (the Board), and the Uwchlan Township Police Department (the Police Department). Lloyd found the responses to her reports to be unsatisfactory.

Lloyd voiced her displeasure with the Police Department's investigation, specifically, on a Facebook page managed by the Police Department and which linked out to its official website. Lloyd's comments were allegedly deleted by two officers—defendants Nicole Navarra and Maureen Evans—and her Facebook account was blocked.

For relief, Lloyd requested money damages in excess of \$75,000.³ She also requested a declaration that Pennsylvania's COM requirement is unconstitutional.⁴

The District Court stayed discovery pending disposition of the defendants' various dispositive motions. Then, in a series of orders, the District Court granted motions to dismiss under Rule 12(b)(6) filed by: the State and the Board, on the grounds that Lloyd's

Stanek, No. 1006 EDA 2025, 2025 WL 3707695, at *2 (Pa. Super. Ct. Dec. 22, 2025) (per curiam judgment order) (“[A]lthough Appellant may not like the result of her prior litigation, she does not get a second bite at the apple[.]”).

³ That dollar amount suggests a nod to 28 U.S.C. § 1332(a). But it does not appear that Lloyd sued any citizens of states diverse from her own state of citizenship; she predicated jurisdiction on federal questions, *see* 28 U.S.C. § 1331, and the District Court's authority to exercise supplemental jurisdiction over state law claims, *see* 28 U.S.C. § 1367.

⁴ Lloyd included as defendants the Commonwealth of Pennsylvania (the State) and the Clerk's Office to face her claim that Rule 1042.3(a) is unconstitutional. Earlier this year, the Supreme Court held that Delaware's COM requirement is inapplicable in federal court. *See Berk v. Choy*, No. 24-440, 2026 WL 135974, at *7 (U.S. Jan. 20, 2026).

§ 1983 claims were not cognizable and the defendants were immune, in any event; an EVC-affiliated veterinarian, on the ground that Lloyd failed to adequately plead state law claims for negligence and emotional distress; Gray and BBS, on the ground that Lloyd failed to adequately plead federal civil rights claims under §§ 1983 and 1985, and state law claims for abuse of process and emotional distress; and EVC, its owner and a staff member, on the grounds that Lloyd failed to adequately plead federal civil rights claims, and that supplemental jurisdiction over her state law claims would not be exercised.⁵

As for the Rule 12(c) motion that was filed by the Police Department and the two officers, the District Court granted the motion in large part. The District Court allowed only Lloyd's First Amendment claims—related to the Police Department's Facebook page—to proceed against the officers in their individual capacities, and against the Police Department under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

All of Lloyd's other claims against those defendants were dismissed with prejudice. The District Court determined, *inter alia*, that the officers were entitled to qualified immunity with respect to their official-capacity liability⁶; that Lloyd's

⁵ Lloyd voluntarily dismissed her claims against the Clerk's Office, BV SPCA, and two BV SPCA officers. Lloyd sued and served several other individuals (Helena Domenic, Peej Dukey, and the "Parmar Family"), but it appears she abandoned her claims against them. Lloyd raises no claims on appeal related to those unrepresented defendants.

⁶ The District Court misspoke. Qualified immunity is a defense to liability "in a personal-capacity action," *Kentucky v. Graham*, 473 U.S. 159, 166 (1985), not an official-capacity action. The error is harmless, because Lloyd's claims against the officers in either capacity were properly rejected for reasons we describe later in this opinion.

inadequate-investigation claim was not cognizable under § 1983; and that Lloyd failed to adequately plead emotional distress claims under Pennsylvania law.

Discovery, then competing motions for summary judgment under Rule 56(a), followed. The parties stipulated that the Police Department's Facebook page no longer showed Lloyd's comments, which were reproduced in the District Court's written decision. The District Court denied Lloyd's motion, granted the motion filed by the Police Department and the officers, and declined to allow Lloyd to further amend her complaint. Key to the District Court's ruling was Lloyd's failure to adduce any evidence that the officers were personally responsible for deleting Lloyd's comments or blocking her Facebook account. Lloyd also failed to adduce any evidence of a Police Department policy or custom, or some other basis for establishing municipal liability under *Monell*.

II.

Lloyd timely filed this appeal. We have jurisdiction under 28 U.S.C. § 1291. Insofar as we are reviewing orders granting motions under Rules 12(b)(6), 12(c), and 56(a), our review is de novo. *See Barlow v. Serv. Emps. Int'l Union Loc. 668*, 90 F.4th 607, 615 (3d Cir. 2024) (Rule 12(c)); *Ellis v. Westinghouse Elec. Co., LLC*, 11 F.4th 221, 229 (3d Cir. 2021) (Rule 56(a)); *United States ex rel. Bookwalter v. UPMC*, 946 F.3d 162, 168 (3d Cir. 2019) (Rule 12(b)(6)). The District Court's rulings staying discovery, declining to exercise supplemental jurisdiction, and declining to permit another pleading amendment are all reviewed for abuse of discretion. *See LabMD Inc. v. Boback*, 47 F.4th 164, 192 n.22 (3d Cir. 2022) (amendment); *Drippe v. Tobelinski*, 604 F.3d 778, 783 (3d

Cir. 2010) (case management); *Hedges v. Musco*, 204 F.3d 109, 123–24 (3d Cir. 2000) (supplemental jurisdiction).

III.

Preliminarily, we reject Lloyd’s attempts to raise new claims based on post-judgment conduct. *See, e.g.*, Br. 21 (“On September 5, 2025, Lloyd attempted to make public comments at a public open vet board meeting and was immediately cut off and her microphone was muted in violation of the Sunshine Law and 1st amendment.”); Br. 42–43 (“After [this] case was dismissed, Lloyd attempted to post a review on [the Police Department’s] page under her real Facebook name, Sue [M]ichelle.”). “We generally do not consider arguments raised for the first time on appeal, and will not do so in this case.” *Gardner v. Grandolsky*, 585 F.3d 786, 793 (3d Cir. 2009) (per curiam) (citation omitted).

We also reject Lloyd’s challenge to the dismissal of her claims against the State and the Board. Like the District Court, we find sovereign immunity readily applicable. *See Alden v. Maine*, 527 U.S. 706, 754 (1999). Lloyd’s contention that sovereign immunity is unconstitutional lacks merit. *See id.* at 713; U.S. CONST. amend. XI.⁷

We further agree with the District Court that Lloyd failed to raise cognizable claims under § 1983 against the private parties (e.g., EVC and its staff, Gray and BBS). “[T]o state a claim of liability under § 1983,” the plaintiff “must allege that she was

⁷ Insofar as Lloyd’s challenge to the constitutionality of state rule 1042.3(a) was merely a reassertion of her challenge in *Lloyd*, 2025 WL 1825123, *supra*, res judicata would also be in play. *See Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 277 (3d Cir. 2014).

deprived of a federal constitutional or statutory right by a *state actor*.” *Leshko v. Servis*, 423 F.3d 337, 339 (3d Cir. 2005) (emphasis added). For example, and contrary to Lloyd’s argument, private attorneys are not subject to § 1983 liability, even though they are often called ‘officers of the court.’ See *Angelico v. Lehigh Valley Hosp., Inc.*, 184 F.3d 268, 277 (3d Cir. 1999). Nor did Lloyd plausibly allege a conspiracy with a state actor, in the manner prescribed by *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 557 (2007).⁸

We turn next to the District Court’s order granting summary judgment to the Police Department and its officers. Notably, Lloyd does not refute on appeal the District Court’s assessment that she could have deposed the officers—to adduce evidence of their personal involvement in any deprivation of First Amendment rights—but chose not to. Without deposition testimony or other evidence that might have revealed the officers’ personal involvement, Lloyd’s § 1983 claims against them in their individual capacities could not proceed any further in the litigation. *Cf. Jutrowski v. Twp. of Riverdale*, 904 F.3d 280, 291 (3d Cir. 2018) (“[I]n the face of motion for summary judgment, a § 1983 plaintiff must produce evidence supporting each individual defendant’s personal involvement in the alleged violation to bring that defendant to trial.”).

⁸ In granting the Rule 12(b)(6) motions filed by EVC, its owner and a staff member, the District Court stated that it was declining to exercise supplemental jurisdiction over Lloyd’s state claims, seemingly because the federal claims against those particular defendants were being dismissed. That action may have been premature, because the District Court had not yet disposed of *all* Lloyd’s federal claims in the litigation. However, the District Court ultimately did grant judgment to the defendants on all federal claims, so any timing error was harmless. See 28 U.S.C. § 1367(c)(3); 28 U.S.C. § 2111.

Lloyd's *Monell* claim was also properly rejected at summary judgment. "Rule 56(a) requires a court to grant summary judgment when the movant establishes that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." *Ames v. Ohio Dep't of Youth Servs.*, 605 U.S. 303, 322 (2025) (Thomas, J., concurring). The relevant "law" here (*Monell*) holds that municipalities can be sued under § 1983 where "the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." *Monell*, 436 U.S. at 690.

The District Court observed that Lloyd "identifies no policy or custom, no failure to train, and no other basis on which municipal liability might rest." On appeal, Lloyd offers nothing to impugn the observation. That Lloyd was able to adequately plead, for purposes of the Rule 12(b)(6) standard, a First Amendment claim in separate litigation involving an Ohio municipality's blocking of her Facebook account, *see Lloyd v. City of Streetsboro*, C.A. No. 18-3485, 2018 WL 11298664, at *4 (6th Cir. Dec. 20, 2018) (per curiam order); Br. 32–33, is not dispositive of whether Lloyd was able to withstand *summary judgment* in this matter. Lloyd had to back up her *Monell* claim with evidence revealing a genuine dispute of material fact, and she did not. The Police Department, and the officers in their official capacities, were thus entitled to summary judgment.

Lloyd's remaining arguments lack merit, for substantially the reasons given by the District Court, and warrant little if any extra discussion. In particular: Lloyd has no generalized Fourth Amendment right to "feel safe in her own home," Br. 35—the

amendment instead protects the citizenry from “unreasonable searches and seizures,” *Carpenter v. United States*, 585 U.S. 296, 303 (2018); there is no evidence that the Police Department “conspire[d] to falsify police reports,” Br. 40; the District Court did not abuse its discretion in declining to allow Lloyd to file her fourth and fifth amended complaints on the ground that the proposed amendments would not change the fortunes of any claims that had succumbed to Rule 12(b)(6) and Rule 12(c) motions; and the District Court did not abuse its discretion when it temporarily stayed discovery.

Accordingly, for the reasons given above, the judgment of the District Court will be affirmed.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2642

SUSAN LLOYD,
Appellant

v.

COMMONWEALTH OF PENNSYLVANIA, Official and Individual Capacity;
SARA GRAY, Official and Individual Capacity; BENNETT BRICKLIN AND
SALTZBURG, Official and Individual Capacity; PENNSYLVANIA STATE
BOARD OF VETERINARIAN MEDICINE; EXTON VET CLINIC; SHANNON
STANEK; EMILY BOURET a/k/a EMILY RAMOS; HEATHER WESTFALL, VMD;
HELENA DOMENIC; PEEJ DUKEY; JANE AND JOHN DOE PARMAR a/k/a
PARMAR FAMILY; CLERKS OFFICE, Official and Individual Capacity;
UWCHLAN TOWNSHIP POLICE DEPARTMENT, Official and Individual
Capacity; NICOLE NAVARRA, Official and Individual Capacity;
MAUREEN EVANS, Official and Individual Capacity; BRANDYWINE VALLEY
SPCA, Official and Individual Capacity; BRYAN JACKSON, Official
and Individual Capacity; DANIEL ACHUFF, Official and Individual Capacity

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(E.D. Pa. Civ. No. 5:22-cv-05148)
District Judge: Honorable Jeffrey L. Schmehl

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 24, 2026

Before: MATEY, MONTGOMERY-REEVES, and NYGAARD, *Circuit Judges*

JUDGMENT

47

This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on March 24, 2026.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered August 25, 2025, is hereby affirmed. Costs taxed against the Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: March 30, 2026

48

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2642

SUSAN LLOYD,
Appellant

v.

COMMONWEALTH OF PENNSYLVANIA, Official and Individual Capacity;
SARA GRAY, Official and Individual Capacity; BENNETT BRICKLIN AND
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BOARD OF VETERINARIAN MEDICINE; EXTON VET CLINIC; SHANNON
STANEK; EMILY BOURET a/k/a EMILY RAMOS; HEATHER WESTFALL, VMD;
HELENA DOMENIC; PEEJ DUKEY; JANE AND JOHN DOE PARMAR a/k/a
PARMAR FAMILY; CLERKS OFFICE, Official and Individual Capacity;
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Capacity; NICOLE NAVARRA, Official and Individual Capacity;
MAUREEN EVANS, Official and Individual Capacity; BRANDYWINE VALLEY
SPCA, Official and Individual Capacity; BRYAN JACKSON, Official
and Individual Capacity; DANIEL ACHUFF, Official and Individual Capacity

(District Court Civil Action No. 5:22-cv-05148)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge; HARDIMAN, SHWARTZ, KRAUSE, RESTREPO,
BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES,
CHUNG, BOVE, MASCOTT, and NYGAARD¹, Circuit Judges

The petition for rehearing filed by Appellant in the above-entitled case having
been submitted to the judges who participated in the decision of this Court and to all the

¹ Judge Nygaard's vote is limited to panel rehearing.

APPENDIX F
49

other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Tamika R. Montgomery-Reeves
Circuit Judge

Dated: June 10, 2026
Lmr/cc: Susan Lloyd
All Counsel of Record

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

SUSAN LLOYD,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

CIVIL ACTION
NO. 5:22-cv-05148-JLS

MEMORANDUM OPINION

SCHMEHL, J. /s/ JLS

AUGUST 25, 2025

Now pending before the Court are cross-motions for summary judgment filed by Plaintiff Susan Lloyd and by Defendants Uwchlan Township Police Department, Maureen Evans, and Nicole Navarra, as well as Lloyd's motion for reconsideration of the Court's prior order denying her leave to file a fifth amended complaint. The cross-motions concern Lloyd's only remaining claim, which is raised under 42 U.S.C. § 1983 and alleges that Officers Evans and Navarra deleted Lloyd's posts from the Department's Facebook page and blocked Lloyd's Facebook account. For the reasons that follow, the Court grants Defendants' motion for summary judgment, denies Lloyd's cross-motion for summary judgment, and denies Lloyd's motion for reconsideration.

I

Proceeding *pro se*, Lloyd alleges that on December 2, 2021, staff at Exton Vet Clinic euthanized her dog, Domino, without her consent and purportedly by administering pentobarbital. Lloyd first sought relief in the Chester County Court of Common Pleas, suing the veterinary clinic and its personnel. But litigation does not always go as one hopes, and Lloyd's state suit soon hit a procedural snag. Pennsylvania Rule of Civil Procedure 1042.3 requires that when *pro se*

plaintiffs assert professional-malpractice claims, they must file a certificate of merit, which includes a written statement from a qualified licensed professional opining that the care or skill at issue probably fell below accepted professional standards. Evidently, Lloyd did not attach such a written statement within the time required. The clinic's defense team—Sara Gray and her firm, Bennett, Bricklin & Saltzburg LLC—spotted the Rule 1042.3 deficiency. So, in September 2022, defense counsel filed a notice of intent to enter judgment of non pros for Lloyd's failure to comply with the written-statement requirement. A month later, upon praecipe, the prothonotary entered judgment of non pros against Lloyd on all claims.

Two days later, Lloyd petitioned the Court of Common Pleas to open or strike the judgment. And while that petition was pending, Lloyd initiated this collateral federal action in December of 2022 against the Commonwealth of Pennsylvania, Bennett, Bricklin & Saltzburg LLC, and Attorney Gray. Put simply, Lloyd contended that Gray and her firm violated Lloyd's constitutional rights by filing the praecipe for judgment of non pros, and that defense counsel's conduct also amounted to both the negligent and intentional infliction of emotional distress and an abuse of process. As to the Commonwealth, Lloyd's § 1983 claim challenged the constitutionality of Rule 1042.3 itself, asserting that the certificate-of-merit requirement violated her First and Fourteenth Amendment rights.

In response to the federal complaint, the law firm and Gray moved to dismiss. Five days later, Lloyd exercised her right under Federal Rule of Civil Procedure 15(a)(1)(B) to amend the complaint, rendering the initial motion to dismiss moot. Thereafter, Lloyd filed an amended complaint that substantially ballooned the case. Whereas the original complaint named only three defendants, the new one named nineteen. In addition to those defendants previously identified, Lloyd joined: the Pennsylvania State Board of Veterinary Medicine; the Exton Vet Clinic and its

personnel; the Chester County Clerk's Office; the Uwchlan Township Police Department and its Officers Maureen Evans and Nicole Navarra; the Brandywine Valley SPCA and its Officers Bryan Jackson and Daniel Achuff; and several private individuals who allegedly defamed or threatened Lloyd after the dog's death. *See generally* First Am. Compl. ¶¶ 1-19, ECF No. 13.

Between March and May 2023, many of the newly named defendants appeared and filed motions to dismiss or joined in motions previously filed. Lloyd responded to these motions with a series of oppositions to the motions to dismiss, motions to compel discovery, and numerous overlapping motions to amend the complaint. *See, e.g.*, Mot. to File Second Am. Compl., ECF No. 63; Mot. to Substitute Third Am. Compl., ECF No. 74; Mot. to File Fourth Am. Compl., ECF No. 110; Mot. to File Fifth Am. Compl., ECF No. 120. On March 28, 2024, the Court entered an omnibus order granting several motions to stay discovery, denying Lloyd's various motions to amend or extend deadlines, and deeming multiple motions moot. *See* Order, ECF No. 119. Thereafter, the Court resolved a number of motions to dismiss, leaving only the Uwchlan Township Police Department, Maureen Evans, and Nicole Navarra as active defendants.

The only claim that went forward was Lloyd's § 1983 First Amendment claim alleging that Officers Evans and Navarra deleted Lloyd's posts on the Uwchlan Township Police Department's Facebook page and blocked Lloyd's account. Presently, the parties have stipulated that, on February 5, 2023, Lloyd posted the following remarks on the Department's Facebook page, which are indeed no longer visible:

- Officer Navarra committed perjury during a criminal investigation into Shannon Stanek from Exton Vet Clinic killing my service dog with pentobarbital. Now Shannon Stanek has begun to incite violence towards me and has many of her friends threatening my life. This department decides to sit on their asses and do nothing and allows a disabled person to be threatened. Shannon Stanek was in a mental hospital and placed on psych meds and this department allows her to own a gun anyways even though under federal law, any individual with a mental illness is not allowed to own a gun. Uwchlan Township doesn't care. They allow Shannon

Stanek to kill a service dog and then to get her friends to threaten me while these officers sit on their asses and literally do nothing. I am filing a federal lawsuit against them for equal protection class of one violations. Its obvious that anybody else would have been arrested when I showed them proof of what I say. The reason why they do nothing is get this. They are buddy buddies with Shannon Stanek. Shannon Stanek has a big mouth and likes to run it all over social media. So that's why she can get away with murder. This department knows we are involved in litigation and I am entitled to discovery. Guess what they do. They conceal all videos and records. No surprise there. These bad cops need more people to challenge them in federal court and maybe things will begin to change. That's why im a big supporter of defunding the police. What good are they if they allow Shannon Stanek and others to get away with murder.

- You do not want to work there. They lie during criminal investigations and then conceal records and body cameras even when involved in litigation. Says all you need to know about this place. You can literally get away with murder in Uwchlan Township and then get your buddies to threaten someone elses life.
- Are they going to lie during criminal investigations like Officer Navarra and let Shannon Stanek from Exton Vet Clinic get away with murder or are you actually going to hire an officer who tells the truth. Guess only time will tell.

The period for discovery has now closed. And both sides have moved for summary judgment. Lloyd has also moved for reconsideration of the Court's prior order denying her leave to file a fifth amended complaint. In what follows, the Court considers each of these pending motions in turn.

II

Federal Rule of Civil Procedure 56(a) permits summary judgment when "there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." Initially, the moving party bears the burden of "identifying those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once satisfied, the burden shifts to the non-moving party to go beyond the pleadings and come forward with specific, material facts that present "a genuine issue for trial." *Santini v. Fuentes*, 795 F.3d 410, 416 (3d Cir. 2015) (internal citations omitted). A dispute is "genuine" only if the evidence is such that a reasonable jury could return a verdict for

the non-moving party, and it is “material” only if it might affect the outcome under the applicable law. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). In conducting this analysis, the Court reviews the record as a whole and draws all reasonable inferences in favor of the non-movant. *Hugh v. Butler Cnty. Family YMCA*, 418 F.3d 265, 267 (3d Cir. 2005) (internal citations omitted).

Here, Officers Evans and Navarra first contend that summary judgment is appropriate because the record contains no evidence from which a reasonable jury could infer that either Officer Evans or Navarra personally deleted Lloyd’s Facebook posts or blocked her account. They add that Lloyd named them as defendants only because they were the two officers who communicated with her about her underlying allegations of criminal misconduct against the veterinarian, Shannon Stanek. And they also point out that Lloyd elected to not depose either officer. Finally, they cite Lloyd’s deposition testimony where Lloyd admitted that Facebook posts may be removed in several ways—including by the user, by the platform, or by an unrelated third party upon complaint.

In response, Lloyd does not identify any evidence linking either officer to the removal of her posts or the blocking of her account. Instead, as was argued by Lloyd in her deposition, Lloyd asserts that she has no reason to believe the officers did not take those actions, so they must have done it. *See* Dep. of Susan Lloyd at 85, ECF No. 167-4. But this argument clearly lacks merit—it is burden-shifting speculation, not actionable evidence. And mere speculation cannot defeat a motion for summary judgment. *See Anderson*, 477 U.S. at 252 (1986).

Furthermore, the Third Circuit Court of Appeals requires that, in § 1983 claims such as these, a plaintiff must present evidence establishing each defendant’s “direct responsibility” for the asserted constitutional violation. *See Jutrowski v. Twp. of Riverdale*, 904 F.3d 280, 289-93 (3d

Cir. 2018) (citing *Rizzo v. Goode*, 423 U.S. 362, 376-77 (1976)). Purely collective or vicarious theories simply will not do. The Supreme Court says the same: “[A] plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution,” and “each Government official, his or her title notwithstanding, is only liable for his or her own misconduct.” *Ashcroft v. Iqbal*, 556 U.S. 662, 676-77 (2009). Simply put, Defendants cannot be held liable “merely because they were members of a group of which some other members were guilty of abuses.” *Anela v. City of Wildwood*, 790 F.2d 1063, 1067-68 (3d Cir. 1986) (citing *Rizzo*, 423 U.S. at 370-71).

Against that evidentiary and legal backdrop, Lloyd’s claim against Officers Evans and Navarra suffers from a fundamental failure of proof. Discovery has yielded no evidence that either Evans or Navarra removed Lloyd’s posts or blocked her account. The importance of offering some evidence of such conduct is essential because, as Lloyd concedes, Facebook content may disappear for many reasons independent of any Uwchlan Township Police Department action: the original poster can delete it; Facebook can remove it under its rules; or another user can report it. Without evidence tying the disappearance of Lloyd’s posts or the blocking of her account to these specific defendants, a jury would have to guess who, if anyone, acted. And so, because the summary-judgment record contains no evidence from which a reasonable jury could find that Officers Evans or Navarra themselves deleted Lloyd’s posts or blocked her account, the Court will enter judgment for Officers Evans and Navarra on the § 1983 claim.

What remains, then, is Lloyd’s § 1983 claim against the Uwchlan Township Police Department. The Department contends that Lloyd has offered no evidence establishing municipal liability and that the Department cannot be held liable merely on a theory of *respondeat superior*. To this, Lloyd does not directly respond. And she identifies no policy or custom, no failure to

train, and no other basis on which municipal liability might rest. The Court therefore construes her claim as one sounding in *respondeat superior*. But as the Supreme Court has made clear, “a municipality cannot be held liable solely because it employs a tortfeasor—or, in other words, a municipality cannot be held liable under § 1983 on a *respondeat superior* theory.” *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978). So, because Lloyd advances no other theory of municipal liability, her claim against the Department fails. The Court will enter judgment in favor of the Uwchlan Township Police Department on the § 1983 claim and, consequently, deny Lloyd’s cross-motion for summary judgment.

III

The Court next takes up Lloyd’s motion to reconsider the Court’s previous order denying her leave to file a fifth amended complaint. At the outset, the Court notes that reconsideration is extraordinary, appropriate only upon an intervening change in controlling law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice. *See Max’s Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). Here, Lloyd shows none of those circumstances. So, reconsideration is inappropriate.

But even if the Court were to reconsider, the earlier denial resting on futility remains the appropriate disposition. For although Rule 15 instructs that courts “should freely give leave [to amend] when justice so requires,” it does not require leave when amendment would be futile. Fed. R. Civ. P. 15(a)(2); *Foman v. Davis*, 371 U.S. 178, 182 (1962). And an amendment is futile if it could not survive a motion to dismiss under Rule 12(b)(6). *Shane v. Fauver*, 213 F.3d 113, 115-17 (3d Cir. 2000). Here, Lloyd’s fifth proposed amended complaint remains futile.

For example, Lloyd’s proposed § 1983 claims against the Commonwealth of Pennsylvania and the State Board of Veterinary Medicine fail as a matter of law because a state and its arms are

not “persons” under § 1983 and, in any event, enjoy Eleventh Amendment immunity. *See Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 64-71 (1989); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100-01 (1984). The § 1983 claims against the private defendants—Shannon Stanek, Exton Vet Clinic, Sara Gray, and Bennett, Bricklin & Saltzburg LLC—also fail because the proposed pleading alleges no facts plausibly showing state action. *See Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass’n*, 531 U.S. 288, 295-96 (2001); *Blum v. Yaretsky*, 457 U.S. 991, 1004 (1982); *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982).

As to the claim against the Chester County Prothonotary, court clerks performing tasks integral to the judicial process are absolutely immune from suit. *Lockhart v. Hoenstine*, 411 F.2d 455, 460 (3d Cir. 1969); *see also Gallas v. Supreme Court of Pa.*, 211 F.3d 760, 772-73 (3d Cir. 2000). And Lloyd’s § 1985(2) conspiracy claim fails because Lloyd’s proposed amended complaint continues to lack well-pleaded facts showing a conspiracy motivated by some “class-based, invidiously discriminatory animus.” *See Brawer v. Horowitz*, 535 F.2d 830, 840 (3d Cir. 1976) (citing *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971)). So, because the proposed amendment would not cure the defects identified in the Court’s prior rulings, and as the Court declines to exercise supplemental jurisdiction over any remaining state-law claims, reconsideration is unwarranted and leave to amend remains futile. The motion is denied.

IV

For the foregoing reasons, Defendants’ motion for summary judgment is granted, Plaintiff’s cross-motion for summary judgment is denied, and Plaintiff’s motion for reconsideration of the denial of leave to file a fifth amended complaint is denied. Judgment will be entered in favor of the Uwchlan Township Police Department, Maureen Evans, and Nicole

Navarra and against Plaintiff Susan Lloyd. Any remaining requests for relief are denied as moot.

The Clerk of Court shall mark this case closed. An appropriate Order follows.