

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

WILLIAM J. SANDERS

VS

CASE NO. 3:07cv402 MCR/MD

BAY STATE CABLE TIES, LLC.

**REFERRAL AND ORDER**

Referred to Judge Rodgers on April 10, 2009

Type of Motion/Pleading: MOTION TO DISMISS OR IN THE ALTERNATIVE  
REMAND NON-PATENT RELATED CLAIMS TO PENDING STATE COURT PROCEEDINGS

Filed by: Third Party on 4/24/09 Document 181

Defendants, R. L.  
Oestreich and Americas  
Merchandise Company

( ) Stipulated/Consented/Joint Pleading

RESPONSES:

\_\_\_\_\_ on \_\_\_\_\_ Doc.# \_\_\_\_\_

\_\_\_\_\_ on \_\_\_\_\_ Doc.# \_\_\_\_\_

WILLIAM M. McCOOL, CLERK OF COURT

/s/ Lynn C. Uhl

Deputy Clerk: Lynn Uhl

**ORDER**

Upon consideration of the foregoing, it is ORDERED this 10th day of April, 2009, that:

The requested relief is GRANTED. The position of defendants Robert L. Oestreich and Americas Merchandise Enterprises, Inc., is well-taken, and defendant, Bay State Cable Ties, LLC, has not responded. The state law claims (4<sup>th</sup> and 5<sup>th</sup> claims for relief) asserted in Bay State's Third-Party Complaint (doc. 17) are DISMISSED with prejudice.

s/ M. Casey Rodgers

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**

Entered On Docket: \_\_\_\_\_ By: \_\_\_\_\_

Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP

Copies sent to: \_\_\_\_\_

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