

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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<b>DANI BAR-DAVID, MICHAL BAR-DAVID, and OCTAL CORPORATION,</b>	:	
	:	Civ. No. 2:13-5885 (KM) (MCA)
<b>Plaintiff,</b>	:	
<b>v.</b>	:	<b>ORDER</b>
<b>ECONOMIC CONCEPTS, INC., KENNETH HARTSTEIN, NATI FINANCIAL, LLC, AMIR ABRAMOV, ARTHUR D. SHANKMAN &amp; CO., ARTHUR D. SHANKMAN, PENSION STRATEGIES, LLC, and DAVID BURKE,</b>	:	
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	:	
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<b>Defendants.</b>	:	

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**KEVIN MCNULTY, U.S.D.J.:**

This matter comes before the court on the Report and Recommendation (ECF No. 57) of Hon. Madeline C. Arleo, United States Magistrate Judge, recommending that the Plaintiffs' motion to remand this action to State court (ECF No. 13) be granted; and Objections to the Report and Recommendation having been filed by Defendants Pension Strategies, LLC (ECF. No. 58) and Arthur D. Shankman and Arthur D. Shankman & Co. (ECF No. 59); and the Court, pursuant to FED. R. CIV. PROC. 78, having reviewed the Report and Recommendation and the Parties' submissions; and it further

**APPEARING** that Judge Arleo's Report and Recommendation was issued after a hearing on September 19, 2014 on the matter as well as extensive supplemental briefing by the parties (Docket Nos. 51, 52, 53, 54, 55); and it further

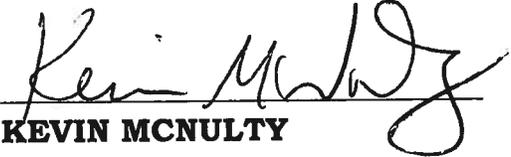
**APPEARING** that Judge Arleo's Report and Recommendation to grant the motion to remand was based on a finding that federal question jurisdiction was lacking; and it further

**APPEARING** that Judge Arleo correctly determined that the Employee Retirement Income Security Act (ERISA) did not preempt the state law claims alleged in the Complaint; and it further

**APPEARING** that there is no alternative basis for jurisdiction in this Court; and for good cause appearing;

**IT IS**, this 22nd day of September, 2014,

**ORDERED** that the Report and Recommendation is adopted and Plaintiffs' motion to remand the action to State Court is **GRANTED**.

  
**KEVIN MCNULTY**  
**United States District Judge**