

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHRISTINA BALISTRERI, ROSEANN	:	CIVIL ACTION NO. 15-3506 (MLC)
BALISTRERI, and ANTHONY	:	
BALISTRERI,	:	MEMORANDUM OPINION
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
HENRY J. TRZECIAK,	:	
	:	
Defendant.	:	
_____	:	

THIS ACTION was instituted in the United States District Court for the Eastern District of New York, and then transferred to this Court. (See dkt. 1; dkt. 6.) This Court ordered, inter alia, that: (1) the claims brought by the plaintiff Christina Balistreri were to proceed under this docket number in an amended complaint; (2) the claims brought by the plaintiffs Roseann Balistreri and Anthony Balistreri were to be severed from this action without prejudice; (3) this action insofar as it concerned Roseann Balistreri and Anthony Balistreri was to be terminated without prejudice; and (4) Roseann Balistreri and Anthony Balistreri were to institute a separate action. (See dkt. 16.)

BUT the parties now advise this Court that they have stipulated to proceed in New Jersey state court, and that “[t]he statute of limitations or any timeliness defense based on transfer is hereby waived and shall not bar the proceedings and continued litigation of this matter” in New Jersey state court. (Dkt. 17-1 at 2; see dkt. 17 at 1.) The parties also, in

effect, request that this Court “moot out the necessity for the refileing of the complaint as to plaintiffs Roseann Balistreri and Anthony Balistreri and filing the amended complaint as to plaintiff Christina Balistreri.” (Dkt. 17 at 1.)

THIS COURT will therefore: (1) reinstate this action insofar as it was brought by the plaintiffs Roseann Balistreri and Anthony Balistreri; (2) dismiss all of the claims in this action without prejudice to the plaintiffs to institute a new action in New Jersey state court within thirty days; and (3) close this action insofar as it exists in this Court.

FOR GOOD CAUSE APPEARING, this Court will issue an appropriate order and judgment.¹

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: October 30, 2015

¹ This Court cannot grant the request by the parties to remand this action to New Jersey state court, because this action was not removed from New Jersey state court.