

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN STANLEY,

Plaintiff,

v.

Case No. 2:22-cv-1783

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Chelsey M. Vascura

HISTORIC NEWARK BASKET, LLC,

Defendant.

ORDER

This matter is before the Court regarding the Parties' stipulation of dismissal on June 5, 2024. (ECF No. 90.) In light of unforeseen trial testimony, the Court re-raised its concerns regarding subject matter jurisdiction over this case. (Order, ECF No. 58, at PageID # 763–74.) Defendant then orally moved to dismiss this case for lack of subject matter jurisdiction. The Parties have opted for the prudent approach by stipulating to dismissing this case without prejudice and refileing it in State Court, where subject matter jurisdiction will not be in dispute. Each Party agreed to bear their own costs. Because the Parties have stipulated to dismissing this case without prejudice and refileing it in State Court, the Court **DENIES as moot** Defendant's oral motion to dismiss.

It is unfortunate to change jurisdictions this late in a case, but proceeding in State Court is well advised under the circumstances. The Parties have already completed discovery and motion practice, and this case is ready for trial in State Court.

Accordingly, this case is **DISMISSED without prejudice**. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

6/5/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE