

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

THOMAS CODY, a Minor, by	)	
STEPHEN W. CODY and	)	Civil Action
SHARON GREELISH CODY, His	)	No. 05-CV-02771
Parents and Natural Guardians,	)	
STEPHEN W. CODY and	)	
SHARON GREELISH CODY, Individually,	)	
	)	
Plaintiffs	)	
	)	
vs.	)	
	)	
TYLER PLACE, INC.,	)	
	)	
Defendant	)	

O R D E R

NOW, this 10<sup>th</sup> day of July, 2007, upon consideration of the Motion of Defendant, Tyler Place, Inc., to Dismiss Plaintiffs' Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(2) & (3) or in the Alternative to Transfer Plaintiffs' Action to the United States District Court for the District of Vermont, Pursuant to 28 U.S.C. § 1406(a), which motion was filed July 15, 2005; upon consideration of Plaintiffs' Response to the Motion of Defendant, Tyler Place, Inc., to Dismiss Plaintiffs' Complaint, which response was filed July 29, 2005 upon consideration of the briefs of the parties; after hearing held November 15, 2005, 2005; after closing arguments held that same date; and for the reasons expressed in the accompanying Memorandum,

IT IS ORDERED that defendant's motion to dismiss is denied.

IT IS FURTHER ORDERED that defendant's alternative motion to transfer is granted.

IT IS FURTHER ORDERED that this case shall be transferred to the United States District Court for the District of Vermont.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge