

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

JACK YELLEN, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
TELEDNE CONTINENTAL	:	
MOTORS, INC., et al.	:	NO. 11-3325

ORDER

AND NOW, this 6th day of December, 2011, upon consideration of defendants Continental Motors, Inc., Teledyne Technologies Incorporated,¹ TRY Industries, Inc., and Allegheny Technologies Incorporated's (collectively, the "Teledyne defendants") notice of removal (docket entry # 1), plaintiffs Jack Yelled, Dana Moffett, Cynthia J. Tobin, Daniel Bozeman and Lesley Bozeman's (collectively, the "plaintiffs") motion to remand to state court (docket entry # 15), plaintiffs' motion to stay (docket entry # 21), defendants Cirrus Design Corp., Cirrus Aircraft Corp., and Cirrus Industries's (collectively, the "Cirrus defendants") response in opposition to remand (docket entry # 22), the Teledyne defendants' motion to dismiss the amended complaint (docket entry # 23), the Teledyne defendants' response in opposition to remand (docket entries ## 25-26), the Cirrus defendants' motion to dismiss the amended complaint

¹ The caption on the docket incorrectly spells "Teledyne".

(docket entry # 27), the Teledyne defendants' response in opposition to the motion to stay (docket entry # 28), the Cirrus defendants' response in opposition to the motion to stay (docket entry # 29), plaintiffs' motion for leave to file reply in support of their motion to remand (docket entry # 30), the Teledyne defendants' response in opposition thereto (docket entry # 32), plaintiffs' response in opposition to the motion to dismiss (docket entry # 34), the Teledyne defendants' motion for leave to file reply in support of motion to dismiss the amended complaint (docket entry # 36), the Cirrus defendants' motion for leave to file reply in support of motion to dismiss the amended complaint (docket entry # 37), plaintiffs' response in opposition to motion for leave to file reply in support of motion to dismiss the amended complaint (docket entry # 38), and in accordance with the accompanying Memorandum and the Court also finding that additional replies were unnecessary to decide this remand question, it is hereby ORDERED that:

1. Plaintiffs' motion to remand (docket entry # 15) is GRANTED;

2. This case is REMANDED to the Court Common Pleas of Philadelphia County, Pennsylvania;

3. By December 13, 2011, Plaintiffs shall FILE a fee petition accounting for "just costs and any actual expenses, including attorney fees, incurred as a result of the removal," supported by the requisite billing and expense records, and clearly itemizing the costs and fees incurred in preparing the motion to remand, motion to stay, and the first set of responses in opposition to the Teledyne and Cirrus defendants' respective motions to dismiss, with the Teledyne defendants and Cirrus defendants' separate responses to the fee petition due by December 20, 2011;

4. Plaintiffs' motion to stay (docket entry # 21) is DENIED AS MOOT;

5. The Teledyne defendants' motion to dismiss the amended complaint (docket entry # 23) is DENIED AS MOOT;

6. The Cirrus defendants' motion to dismiss the amended complaint (docket entry # 27) is DENIED AS MOOT;

7. Plaintiffs' motion for leave to file reply in support of plaintiffs' motion to remand (docket entry # 30) is DENIED;

8. The Teledyne defendants' motion for leave to file reply in support of motion to dismiss the amended complaint (docket entry # 36) is DENIED AS MOOT;

9. The Cirrus defendants' motion for leave to file reply in support of motion to dismiss the amended complaint (docket entry # 37) is DENIED AS MOOT; and

10. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

___\s\Stewart Dalzell