

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

ALAN JOHNSON	:	CIVIL ACTION
	:	
v.	:	
	:	
FAMOUS DAVE'S OF AMERICA	:	
INC., et al.	:	NO. 12-344

ORDER

AND NOW, this 9th day of May, 2012, upon consideration of Defendants' Motion to Dismiss the Amended Complaint for Lack of Subject Matter Jurisdiction, to Dismiss the Amended Complaint for Failure to State a Claim Upon Which Relief Can be Granted, Or, In the Alternative, to Stay All Proceedings (Docket No. 9), the opposition and reply thereto, and following oral argument held on May 7, 2012, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the defendants' motion is DENIED in part and GRANTED in part. The Court denies the defendants' motion to dismiss, but grants the motion to stay all proceedings. This case shall be STAYED for the plaintiff to pursue the Pennsylvania state tax issue before the Pennsylvania Department of Revenue.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.