

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

T.I.B.C. PARTNERS, LP, <u>et al.</u>,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	NO. 14-3697
	:	
THE CITY OF CHESTER, <u>et al.</u>,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 19th day of April, 2016, upon consideration of the “Motion of Defendant, Joseph Bail, Jr., Police Commissioner, to Dismiss Under Federal Rule of Civil Procedure 12(b)(6), 12(e) and 12(f)” (Doc. No. 27), the “Motion to Dismiss Pursuant to Fed. R. Civ. Pro. 12(b)(6) on Behalf of Defendants, City of Chester and John A. Linder” (Doc. No. 30), the “Motion of Defendants Keystone Sports and Entertainment LLC, FC Pennsylvania Stadium LLC, Pennsylvania Professional Soccer LLC and David P. DeBusschere to Dismiss Plaintiffs’ Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)” (Doc. No. 32), and the “Motion to Dismiss Plaintiffs’ Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) or, Alternatively, Motion for a More Definite Statement Pursuant to Federal Rule of Civil Procedure 12(e) of Defendants, Global Spectrum, Inc. and Michael Scanlon” (Doc. No. 33), and the responses and replies thereto, it is hereby **ORDERED** that the motions are **GRANTED** such that:

- The civil RICO claim (Count I) is **DISMISSED WITHOUT PREJUDICE**. Plaintiffs may file a motion for leave to amend the complaint as to the RICO claim against Defendant Police Commissioner Bail, the Keystone Defendants, and

the Global Spectrum Defendants within **thirty (30) days** of this Order. Failure to do so will result in the dismissal of this claim with prejudice.

- The 42 U.S.C. § 1983 procedural due process claim (Count II) and the 42 U.S.C. § 1988 claim (Count III) are **DISMISSED WITH PREJUDICE**.
- The state law claims (Counts IV-VII) against Defendant Mayor Linder, Defendant Commissioner Bail, and the Keystone Defendants are **DISMISSED WITH PREJUDICE**.
- The state law claims (Counts IV-VII) against the Global Spectrum Defendants are **DISMISSED WITHOUT PREJUDICE** and may be included in a proposed amended complaint to be filed with their timely motion for leave to file an amended complaint as to the RICO claim.

IT IS FURTHER ORDERED that the Clerk of Court shall **TERMINATE** the City of Chester and John A. Linder as Defendants in this case because all claims against these two Defendants have been dismissed with prejudice.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.