

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

**MICHAEL SALAMAN,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**UNITED CAPITAL FUNDING CORP.,**  
**Defendant.**

**NO. 16-1826**

**ORDER**

**AND NOW**, this 14th day of February, 2017, upon consideration of defendant United Capital Funding Corp.'s Motion to Transfer Pursuant to 28 U.S.C. § 1404(a) [to the District Court for the Middle District of Florida], or in the Alternative, to Dismiss Under the Declaratory Judgment Act and/or Federal Rule 12(b)(6) (Document No. 7, filed July 6, 2016), and Plaintiff's Motion for Leave to File an Amended Complaint Pursuant to Fed. R. Civ. P. 15(a) (Document No. 8, filed July 20, 2016), for the reasons set forth in the accompanying Memorandum dated February 14, 2017, **IT IS ORDERED** that the first-filed rule is inapplicable in this case because of the anticipatory filing exception to the rule. A decision on the pending Motions is **DEFERRED**, and this case is **STAYED**, until the District Court for the Middle District of Florida determines the effect of the Florida forum selection clause and the related question of personal jurisdiction over Michael Salaman in the case *United Capital v. Michael Salaman*, No. 8:16-cv-1160-T-27TBM.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**