

F. The claims against Contino are **DISMISSED**. The Clerk of Court shall **TERMINATE** Contino as a party to this action. The official capacity claims are dismissed with prejudice, but the individual capacity claims are dismissed without prejudice. Plaintiff shall file a second amended complaint as to the individual capacity claims within twenty days of the date this action is returned to the Court's active docket.

G. Contino's qualified defense is **DENIED without prejudice** as moot.

H. Bernardi's request to strike is **DENIED without prejudice**.

2. Altemos's Motion to Stay, ECF No. 31, is **GRANTED**.

A. The Clerk of Court shall **TRANSFER** the above-captioned action to the **Civil Suspense Docket**, and **MARK** the case **CLOSED for statistical purposes**.

B. The Court shall **RETAIN** jurisdiction over the case and shall **RETURN** it to the Court's active docket once the case is ready to proceed to final disposition.

C. The parties are directed to notify this Court within twenty days of the conclusion of the state criminal proceedings against Defendant Altemos.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge