

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

**STATE FARM FIRE AND CASUALTY
COMPANY a/s/o Brittany Lehman and
Nathan Becker, Charles K. Powell, Jr., and
Anthony Cuthbertson,
Plaintiff,**

v.

**TINA JEFFERSON, ANDRE
DRAYTON, SYMONE SCOTT,
AND UNITED WATER COMPANY,
Defendants.**

CIVIL ACTION

NO. 12-1107

ORDER

AND NOW, this 17th day of July 2013, upon consideration of Defendant United Water Company’s Motion to Dismiss or to Bifurcate and Stay (Doc. Nos. 5 & 6), Plaintiff State Farm Fire and Casualty Company’s Response thereto (Doc. No. 9 & 10), and Defendant United Water Company’s Reply (Doc. No. 11), **IT IS HEREBY ORDERED** that:

1. Defendant United Water Company’s Motion to Dismiss is **DENIED**;
2. Defendant United Water Company’s Motion to Bifurcate and Stay is **GRANTED** as follows;
 - a. This matter is **TRANSFERRED** to the Pennsylvania Public Utility Commission, consistent with my accompanying memorandum;
 - b. The Clerk shall mark this matter **CLOSED** for statistical purposes and place it in the civil suspense file pending receipt of the Pennsylvania Public Utility Commission’s findings and conclusions;

- c. Counsel are directed to submit a brief status report every 90 days and upon completion of their proceedings before the Pennsylvania Public Utility Commission.¹

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

¹ The Pennsylvania Public Utility Commission is advised that I am contemporaneously transferring the separate but factually identical matter of Insurance Company of Greater New York v. Jefferson et al., No. 11-545 (M.D. Pa. filed Mar. 23, 2011).