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

SCOTT GOCHENAUR, el al.	:	
	:	
Plaintiffs,	:	**1:17-CV-743**
v.	:	**(JUDGE MARIANI)**
	:	
JUNIATA VALLEY BANK, et al.	:	
	:	
Defendants.	:	

ORDER

AND NOW, THIS 7th **DAY OF AUGUST, 2017,** upon consideration of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 9) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 9) is **ADOPTED** for the reasons set forth therein.[1]
2. The Motion to Dismiss by Defendants Juniata Valley Bank, Pamela Parson, and Marcie Barber (Doc. 4) is **GRANTED**.
3. Plaintiffs' "Motion to Set Aside Foreclosure and All Judgements" (Doc. 7) is **DENIED**.

[1] Although the Court adopts the Magistrate Judge's R&R in whole, we note that while the Magistrate Judge refers to the Third Circuit's pre-*Exxon* "inextricably intertwined" formulation for determining the applicability of *Rooker-Feldman*, even applying the formulation set forth by the Third Circuit post-*Exxon*, this action would be barred by *Rooker-Feldman* principally for the same reasons discussed by the Magistrate Judge. *See Great W. Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 169 (3d Cir. 2010) (The Third Circuit has "recognized that 'caution is now appropriate in relying on our pre-*Exxon* formulation of the *Rooker-Feldman* doctrine,' which focused on whether the state and federal suits were 'inextricably intertwined.'")(quoting *Gary v. Braddock Cemetery,* 517 F.3d 195, 200 n.5 (3d Cir. 2008)). Post-*Exxon*, it has been made clear that the federal court's task is "to identify those federal suits that profess to complain of injury by a third party, but actually complain of injury 'produced by a state-court judgment and not simply ratified, acquiesced in, or left unpunished by it.'" *Id*. at 167 (quoting *Hoblock v. Albany Cnty. Bd. of Elections,* 422 F.3d 77, 88 (2d Cir. 2005)).

4. Plaintiffs' Complaint (Doc. 1) is **DISMISSED WITH PREJUDICE**.

5. The Clerk of Court is directed to **CLOSE** the above-captioned action.

Robert D. Mariani
United States District Judge