

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

MARLENE S. MILLER,

Plaintiff,

v.

POCONO RANCH LANDS PROPERTY
OWNERS ASSOCIATION, INC.,
KATHLEEN SIMONCIC, ROY
BORGFELD, PAUL D. MENDITTO,
DAVID CAVANAUGH, LEHMAN
TOWNSHIP PLANNING COMMISSION,
RICHARD C. VOLLMER,

Defendants.

CIVIL ACTION
NO. 3:11-0317

ORDER

AND NOW, this 7th day of January 2013, upon consideration of the Association Defendants' Motion to Dismiss (Doc. No. 50), the Lehman Township Defendants' Motion to Dismiss (Doc. No. 52), Brief in Support of Lehman Defendants' Motion (Doc. No. 57), brief in Support of Association Defendants' Motion (Doc. No. 58), Plaintiff's Briefs in Opposition (Doc. No. 60, 62), the Report and Recommendation filed by United States Magistrate Judge Malachy E. Mannion (Doc. No. 63), and after an independent review of the pertinent record, it is

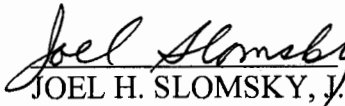
ORDERED that:

1. The Report and Recommendation of United States Magistrate Judge Malachy E. Mannion (Doc. No. 63) is **APPROVED and ADOPTED**.
2. The Association Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (Doc. No. 50) is **GRANTED**.¹

¹ Judge Mannion notes on page 2 of the Report and Recommendation that the "Association Defendants" include Borgfield, Cavanaugh, Mendito, Pocono Ranch Lands

3. The Lehman Township Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (Doc. No. 52) is **GRANTED**.²
4. This Court dismisses Plaintiff's federal claims and declines to exercise supplemental jurisdiction over the remaining state law claims.
5. The Clerk of Court shall close the above-captioned matter.

BY THE COURT:


JOEL H. SLOMSKY, J.

Property Owners Association, Inc., and Simoncic.

² Judge Mannion notes on page 3 of the Report and Recommendation that the "Lehman Township Defendants" include Lehman Township Planning Commission and Defendant Vollmer.