

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**ATLANTIC CASUALTY  
INSURANCE COMPANY**

**Plaintiff**

**v**

**EDWARD ZYMBLOSKY t/a BOOTS  
AND HANKS TOWING AND  
WRECKING a/k/a Boot's and  
Hank's Towing and Wrecking  
Service, et al.**

**Defendants**

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**CIVIL ACTION NO. 3:14-1021**

**(JUDGE MANNION)**

**ORDER**

In light of the memorandum issued today in the above-captioned matter,

**IT IS HEREBY ORDERED THAT:**

1. The defendants' Motion to Dismiss, (Doc. [30](#)), is **GRANTED, without prejudice**, to re-filing in the Court of Common Pleas of Lackawanna County, should they so desire.
2. The plaintiff's Motion to Dismiss the defendants' counterclaim, (Doc. [33](#)), is **DISMISSED AS MOOT**, also **without prejudice**, to re-filing in the Court of Common Pleas of Lackawanna County, should they so desire.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Dated:** February 6, 2015

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