

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

E.R. and I.R., Sr., Individually and as Parents and Natural Guardians of I.R., Jr., a minor,	:	
	:	CIVIL ACTION NO. 3:16-1593
Plaintiffs	:	(JUDGE MANNION)
v.	:	
STROUDSBURG AREA SCHOOL DISTRICT, COLONIAL INTERMEDIATE UNIT 20 and SUZANNE DELLORUSSO,	:	
	:	
Defendants	:	
	:	

MEMORANDUM

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) The motion to dismiss the plaintiffs' complaint filed on behalf of defendant School District, **(Doc. 31)**; the motion to dismiss the plaintiffs' complaint on behalf of defendant CIU, **(Doc. 33)**; and the motion to dismiss the plaintiffs' complaint brought on behalf of defendant Dellorusso, **(Doc. 45)**, are **GRANTED** to the extent that Counts I, II, and VI of the plaintiffs' amended complaint are **DISMISSED** pursuant to Fed.R.Civ.P. 12(b)(1) for the plaintiffs' failure to properly exhaust administrative remedies.
- (2) As the court is dismissing the plaintiffs' federal claims, the

court declines to exercise supplemental jurisdiction over the state law claims presented in Counts II, III, IV and VII of the plaintiffs' amended complaint.

- (3) The Clerk of Court is directed to **CLOSE THIS CASE**.

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

Date: September 29, 2017

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2016 MEMORANDA\16-1593-01-ORDER.wpd