

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

**JOSEPH ZAWATSKY and
JOHN TATE,**

Plaintiffs,

v.

**JEDDO STARS ATHLETIC
ASSOCIATION, et al.,**

Defendants

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CIVIL ACTION NO. 3:16-1725

(JUDGE MANNION)

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED, THAT:**

- (1) The plaintiffs' motion to remand, (Doc. [4](#)), is **GRANTED**;
- (2) The defendants' motions to dismiss pursuant to [Fed.R.Civ.P. 12\(b\)\(6\)](#), (Doc. [7](#), Doc. [12](#)), are **DISMISSED WITHOUT PREJUDICE** to re-filing in the state court;
- (3) The plaintiffs' motion to stay, (Doc. [8](#)), is **MOOT**; and
- (4) The case is **REMANDED** to the Pennsylvania Court of Common Pleas for Luzerne County.

- (5) The plaintiffs requests attorneys' fees and costs is **DENIED**. Each party is to bear their own costs.

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

Dated: September 19, 2016

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