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

STEPHEN GILMORE, <u>et al.</u>, :

Plaintiffs : No. 4:17-cv-01781

:

v. : (Judge Kane)

:

NEIL R. HOLLAND, M.D., et al.,

Defendants :

ORDER

AND NOW, on this 28th day of February 2018, **IT IS ORDERED THAT**:

- 1. Defendants' motion to dismiss (Doc. No. 17), is **GRANTED**;
- 2. Plaintiffs' federal claim under the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. § 1395dd, et seq., is **DISMISSED** with prejudice;
- 3. The remaining state law claims asserted in Plaintiffs' complaint (Doc. No. 1, Counts I VII, IX and XI), are **DISMISSED** without prejudice as to Plaintiffs' right to file an action asserting these claims in state court; and
- 4. The Clerk is directed to **CLOSE** this case.

s/ Yvette Kane

Yvette Kane, District Judge United States District Court Middle District of Pennsylvania