

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

PHILLIPSBURG ROD AND GUN
CLUB,

Plaintiff,

v.

COMMONWEALTH OF
PENNSYLVANIA, CHRISTOPHER
REESE, JOHN NORBECK, JOHN
HALLAS.

Defendants.

No. 4:18-CV-00566

(Judge Brann)

ORDER

AND NOW, this 8th day of May 2018, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Breach of Contract claim (Count VI) and Defendant Commonwealth of Pennsylvania are DISMISSED from this action without prejudice with leave for Plaintiff to re-file its breach of contract claim against Defendant Commonwealth of Pennsylvania in its Board of Claims.
2. Plaintiff's Motion for Emergency Preliminary Injunction, March 9, 2018, ECF No. 2, is DENIED without prejudice with leave to refile in the Board of Claims.
3. The Temporary Restraining Order issued by this Court on April 5, 2018, temporarily enjoining the Commonwealth and its agencies from evicting

Plaintiff from the leased premises at issue in Black Moshannon State Park remains in full force and effect until modified or terminated by the Board of Claims.

4. “By order of the United States court... the matter is dismissed by the United States court for lack of jurisdiction,” therefore the breach of contract claim and motion for preliminary injunction may be transferred to the Commonwealth of Pennsylvania’s Board of Claims pursuant to 42 Pa. C.S.A. § 5103(b).
5. This Court does, however, retain jurisdiction over Counts one through five and the three individual Defendants. An answer or responsive pleading pursuant to the Federal Rules of Civil Procedure shall be filed in accordance with the time limits prescribed by the rules.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge