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

COMMUNITY COUNTY DAY SCHOOL, A Pennsylvania non-Profit Corporation, *et al.*,	)	
Plaintiffs,	)	Civil Action No. 14-19 Erie
v.	)	District Judge J. Frederick Motz Magistrate Judge Cynthia Reed Eddy
THE SCHOOL DISTRICT OF THE CITY OF ERIE,	)	
Defendant.	)	

MEMORANDUM ORDER

On January 23, 2014, the above captioned case was filed in this Court and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

Magistrate Judge Eddy filed a Report and Recommendation on May 20, 2014 (ECF No. 20) recommending that the Defendant's motion to dismiss the complaint (ECF No. 7) be granted. Specifically, Magistrate Judge Eddy recommended that Count I of the Complaint be dismissed with prejudice and Count II of the Complaint be dismissed without prejudice to be litigated in state court.

On May 30, 2014, Plaintiffs filed a Motion to Compel Answers to Interrogatories and Requests for Production of Documents (ECF No. 21) on the theory that the information they sought would be relevant to this Court's disposition of the Defendant's motion to dismiss. Plaintiffs filed their objections to the Report and Recommendation (ECF No. 22) on June 6,

2014, together with a motion to amend the complaint (ECF No. 23) and brief in support thereof (ECF No. 22). Defendant filed timely responses to the Plaintiffs' motion to compel (ECF No. 24), motion to amend (ECF No. 25), and objections (ECF No. 26). Thereafter, the Magistrate Judge granted Plaintiffs leave to file reply briefs in support of their motion to compel discovery responses (ECF No. 29), their motion to amend the complaint (ECF No. 32), and their objections to the R&R (ECF No. 33).

After *de novo* review of the pleadings and documents in the case, including all of the aforementioned filings and the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of July, 2014,

IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss the Complaint (ECF No. 7) is **GRANTED.**

IT IS FURTHER ORDERED that Count I of the Complaint is **DISMISSED with prejudice** and Count II of the Complaint is **DISMISSED without prejudice** to be litigated in state court.

IT IS FURTHER ORDERED that the Report and Recommendation filed by Magistrate Judge Eddy on May 20, 2014 (ECF No. 20) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Plaintiffs' Motion to Compel Answers to Interrogatories and Requests for Production of Documents (ECF No. 21) and Motion to Amend Complaint (ECF No. 23) are **DENIED** inasmuch as those motions fail to present any persuasive grounds for denying the Defendant's motion or allowing further amendment of the complaint.

In light of the foregoing Order, the Clerk of Court shall mark this case "**CLOSED**."

By the Court:

J. Frederick Motz
United States District Judge

cc: All counsel of record.