

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

FIREMEN'S INSURANCE COMPANY OF)
WASHINGTON, D.C., *as subrogee of* 3E)
TRADING, LLC)

Plaintiff,)

v.)

TYCO THERMAL CONTROLS, LLC, *et*)
al.,)

Defendants,)

v.)

39TH STREET COMMONS, LLC, *et al.*,)

Third Party)
Defendants)

Civil Action No. 11-179

Judge Cathy Bissoon

MEMORANDUM ORDER

In response to the Court's request for briefing as to whether this Court has subject matter jurisdiction over this action, Plaintiff Firemen's Insurance Company of Washington, D.C. conceded lack of subject matter jurisdiction and filed a Motion for Voluntary Dismissal (Doc. 42). Because this Court lacks subject matter jurisdiction over this action, the Court hereby **ORDERS** that Plaintiff Firemen's Insurance Company of Washington, D.C.'s Motion for Voluntary Dismissal (Doc. 42) is **GRANTED**. Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to re-assert any and all claims asserted hereunder in the appropriate state court forum.

Because there is no independent basis for this Court to assert jurisdiction over Third Party Plaintiff Mickey J. Hastings's Third Party Complaint (Doc. 30), and Third Party Plaintiff Hastings has not alleged any basis for subject matter jurisdiction, see 3d Party Compl. (Doc. 30),

Third Party Plaintiff Hastings's Third Party Complaint likewise is **DISMISSED WITHOUT PREJUDICE** to Third Party Plaintiff's right to re-assert any and all claims asserted hereunder in the appropriate state court forum.

Defendant Hastings's Motion to Dismiss or Stay Proceedings (Doc. 24) is **DENIED AS MOOT**.

IT IS SO ORDERED.

s/ Cathy Bissoon
Cathy Bissoon
United States District Judge

January 13, 2012

cc (via e-mail):

All counsel of record.