

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

ANDREA CLAYBOURNE,)	2:14cv1412
)	Electronic Mail
Plaintiff,)	
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
HM INSURANCE GROUP,)	
)	
Defendant.)	

**ORDER ON MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION TO STRIKE**

The 554 paragraph Complaint in the above captioned Section 1981 lawsuit was filed through counsel and received by the Clerk of Court on October 17, 2014. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The March 3, 2014 Report and Recommendation (“Report”) (ECF No. 17) recommended that the Defendant’s December 15, 2013 Motion to Dismiss or to Strike Plaintiff’s Complaint (ECF No. 12) be granted as a Motion to Strike and Plaintiff’s ninety-seven (97) page, five-hundred-fifty-four (554) paragraph Complaint (ECF No. 1) alleging “racial discrimination in violation of 42 U.S.C. Section 1981 and other applicable federal and state law” be stricken. It further recommended that Plaintiff be given leave to file a Complaint in compliance with both (a) Rule 8 of the Federal Rules of Civil Procedure, and (b) Thompson v. Real Estate Mortg. Network, 748 F.3d 142, 147 (3d Cir. 2014) within twenty (20) days from the date of an Order adopting the Report.

Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections have been filed, Plaintiff filed a March 17, 2015 Notice of No Objection (ECF No. 18), and the time for objection has now expired.

Accordingly, after review of the pleadings and documents in the case, including the Report and Recommendation, the following Order is entered:

AND NOW, this 26th day of March, 2015,

IT IS HEREBY ORDERED that the Motion to Dismiss or to Strike (ECF No. 12) filed by Defendant is **GRANTED** as a Motion to Strike, and the Complaint stricken.

IT IS FURTHER ORDERED that Plaintiff may, should she wish to proceed, file a Complaint in compliance with the Report and this Order, as set forth above, within twenty (20) days from the date hereof.

IT IS FURTHER ORDERED that the March 3, 2014 Report and Recommendation of Magistrate Judge Lenihan is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Magistrate Judge Lisa Pupo Lenihan
Timothy M. Kolman, Esquire
W. Charles Sipio, Esquire
Craig W. Snethen, Esquire
Jeffrey R. Wilson, Esquire

(Via CM/ECF Electronic Mail)