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

CITY OF RIVIERA BEACH GENERAL)
EMPLOYEES RETIREMENT SYSTEM,)
DORIS ARNOLD, ROOFERS LOCAL) Civil Action No. 2:15-cv-821
149 PENSION FUND, MARSHA)
BLAKE, and B.W. LEWIS on behalf of)
themselves and all others similarly) United States District Judge
situated,) Mark R. Hornak
)
Plaintiffs,) United States Magistrate Judge
) Cynthia Reed Eddy
V.)
)
MYLAN N.V., HEATHER BRESCH and)
ROBERT J. COURY,)
)
Defendants.)

MEMORANDUM ORDER

Mark R. Hornak, United States District Judge

On June 22, 2015, the above captioned case was filed in this Court and was referred to a Magistrate Judge 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. Thereafter, the actions at 2:15-cv-941 and 2:15-cv-1539 were consolidated into this action. (ECF Nos. 38, 61).

On May 10, 2016, United States Magistrate Judge Cynthia Reed Eddy issued a Report and Recommendation (ECF No. 75) in which she recommended that Defendants' Motion to Dismiss the Consolidated Amended Class Action Complaint for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Procedure (ECF No. 54) be granted; that the Consolidated Amended Class Action Complaint (ECF No. 39) be dismissed with prejudice; and that the remaining two pending motions – Plaintiffs' Motion for Partial Summary Judgment (ECF No. 42) and Defendant Mylan N.V.'s Motion to Deny Summary Judgment (ECF No. 55 *errata* 56) – be denied as moot. Plaintiffs filed timely Objections to the Report and Recommendation (ECF No.76), and Defendants have filed timely Responses to such Objections, (ECF No. 77).

After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation and Objections/ Responses thereto, the following Order is entered:

AND NOW, this 22 day of August, 2016, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss the Complaint (ECF No. 54) is GRANTED and the Consolidated Amended Class Action Complaint (ECF No. 39) is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff's Motion for Partial Summary Judgment (ECF No. 42) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Defendant Mylan N.V.'s Motion to Deny Summary Judgment (ECF No. 55 *errata* 56) is **DENIED AS MOOT.**

IT IS FURTHER ORDERED that the Report and Recommendation is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this CASE CLOSED.

Mark R. Hornak United States District Judge

cc: all ECF registered counsel