

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

KIM CHERRY,	)	2:15cv1457
	)	Electronic Filing
Plaintiff,	)	
	)	Judge David Stewart Cercone
v.	)	
	)	United States Magistrate Judge
SPECIAL EDUCATION,	)	Cynthia Reed Eddy
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The present action was initiated in this Court on November 6, 2015. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

On June 13, 2016, Magistrate Judge Eddy issued a Report and Recommendation (“R&R”), [ECF No. 23], recommending that that Defendant’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) and/or Motion for More Definite Statement Pursuant to Fed. R. Civ. P. 12(e) [ECF No. 9] be denied. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Civil Rules of Court, they had until June 30, 2016 to file any objections. To date, no objections have been filed. Accordingly, after a *de novo* review of the pleadings and documents in this case, together with the R&R, the following Order<sup>s</sup> entered:

AND NOW, this 7 day of July, 2016,

**IT IS HEREBY ORDERED** that Defendant’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) and/or Motion for More Definite Statement Pursuant to Fed. R. Civ. P. 12(e) [ECF No. 9] is **DENIED**.

**IT IS FURTHER ORDERED** that the caption in this case is amended as follows:

KIM CHERRY, on behalf of R.C.,  
a minor,

Plaintiff,

v.

SCHOOL DISTRICT OF PITTSBURGH,

Defendant.

**IT IS FURTHER ORDERED** that the R&R [ECF No. 23] is **ADOPTED** as the Opinion of the District Court.

**IT IS FURTHER ORDERED** that the case is remanded to Magistrate Judge Eddy for all further pretrial proceedings.



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David Stewart Cercone  
United States District Judge

cc: Honorable Cynthia Reed Eddy  
United States Magistrate judge

Kim Cherry  
2209 Arlington Avenue  
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(Via First Class Mail)

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(Via CM/ECF Electronic Mail)