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

JOHN BERNARD, WILLIAM BERNARD,	
PAMELA MARTIN, individually and on	
behalf of all others similarly situated,	
	2:18-CV-00783-RJC-CRE
Plaintiffs,	United States District Judge Robert J. Colville
v. ()	Chief United States Magistrate Judge
BNY MELLON, N. A.,	Cynthia Reed Eddy
Defendant.	

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 15, 2018, 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.

On April 29, 2020, Chief Magistrate Judge Cynthia Reed Eddy issued her Report and Recommendation (ECF No. 106) in which she recommended denial of the motion to dismiss the Second Amended Complaint filed by Defendant BNY Mellon, National Association ("BNY Mellon") (ECF No. 74). On May 13, 2020, Defendant BNY Mellon filed its objections (ECF No. 107), and on May 27, 2020, plaintiffs filed a brief in opposition to BNY Mellon's Objections. (ECF No. 108).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, objections and responses thereto, the Court adopts the

Report and Recommendation (ECF No. 106) as the Opinion of the Court and accepts the magistrate's recommendation.¹

Accordingly,

AND NOW, this 4th day of June, 2020, BNY Mellon's Motion to Dismiss (ECF No. 74) is **HEREBY DENIED**.

<u>s/ Robert J. Colville</u> Robert J. Colville United States District Judge

cc: all ECF registered counsel

¹ We decline to grant BNY Mellon's request for clarification that it may submit parole evidence to resolve any ambiguity contained in the Van Valzah trust agreement and defer said issue to the sound discretion of the Chief Magistrate Judge for further consideration, if appropriate.