

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

SAMUEL W. POLLAK, JR. and ROBERT A.)		
HAYDEN, JR., on behalf of themselves and)		
others similarly situated,)		
Plaintiffs,)		
v.)		02: 07cv1120
)	
FREIGHTCAR AMERICA, INC.,)		
Defendant.)		

ORDER OF TRANSFER

AND NOW, this 17th day of August, 2007, after review of Plaintiffs’ Complaint For Violation of Section 510 of ERISA, 29 U.S.C. § 1140 (*Document No. 1*) and the Motion for Temporary Restraining Order or Preliminary Injunction (*Document No. 4*) filed in this action, and it appearing to the Court that the instant cause of action unquestionably arose in Johnstown, Cambria County, Pennsylvania, and involves employer/employee rights and relationships exclusive to Defendant’s facility and employees in Johnstown. Pursuant to Local Rule 3.1(2), “where . . . the cause of action arose . . . in . . . Cambria . . . County, the clerk shall give such complaint, petition or other pleading a Johnstown number and it shall be placed upon the Johnstown calendar.”

Accordingly, the Court finds and rules that pursuant to Local Rule 3.1 this case is hereby transferred to the United States District Court for the Western District of Pennsylvania, Johnstown Division.

So **ORDERED** this 17th day of August, 2007.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: William T. Payne, Esquire
Stember Feinstein Doyle & Payne, LLC
Email: wpayne@stargate.net

John Stember, Esquire
Stember Feinstein Doyle & Payne, LLC
Email: jstember@stemberfeinstein.com

Patrick W. Ritchey, Esquire
Reed Smith
Email: pritchey@reedsmith.com