

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

JEANNE PHILLIPS, Administratrix
of the Estate of Mark Phillips,
Deceased,

Plaintiff,

vs.

COUNTY OF ALLEGHENY, NORTHWEST
REGIONAL COMMUNICATIONS,
ALLEGHENY COUNTY 911, f/k/a
NORTHWEST REGIONAL COMMUNICA-
TIONS, DANIEL NUSSBAUM,
DANIELLE TUSH, BRIAN CRAIG,
LEONARD DEUTSCH, RYAN GING,
SUSAN ZURCHER and PHILLIP
CESTRA,

Defendants.

obtained and prepared by:

www.911Dispatch.com

Civil Action No. 05-1502

ORDER

AND NOW, this 15th day of May, 2006, in accordance with the
foregoing Memorandum, it is hereby ORDERED as follows:

1. The stay of this action which was granted to defendant Allegheny County pending disposition of the motions of defendants Northwest Regional Communications, Daniel Nussbaum, Danielle Tush, Brian Craig, Leonard Deutsch, Ryan Ging, Susan Zurcher and Phillip Cestra to dismiss the complaint of plaintiff, Jeanne Phillips, Administratrix of the Estate of Mark Phillips, Deceased, pursuant to Fed.R.Civ.P. 12(b)(6), is lifted.

2. The motions of defendants Northwest Regional Communications, Daniel Nussbaum, Danielle Tush, Brian Craig, Leonard Deutsch, Ryan Ging, Susan Zurcher and Phillip Cestra to dismiss the Section 1983 claims of plaintiff, Jeanne Phillips,

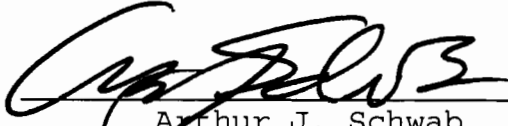
Administratrix of the Estate of Mark Phillips, Deceased, pursuant to Fed.R.Civ.P. 12(b)(6) (Doc. Nos. 4 and 28) will be granted, and these claims are dismissed with prejudice.

3. Judgment is entered in favor of all defendants and against plaintiff, Jeanne Phillips, Administratrix of the Estate of Mark Phillips, Deceased, on the Section 1983 claims asserted in the complaint.

4. As to the remaining state law claims of plaintiff, Jeanne Phillips, Administratrix of the Estate of Mark Phillips, Deceased, for wrongful death and survival, the Court declines to exercise supplemental jurisdiction over such claims pursuant to 28 U.S.C. § 1367(c)(3), and the Clerk is directed to transfer the state law claims to the Court of Common Pleas of Allegheny County, Pennsylvania, pursuant to 42 Pa.C.S.A. § 5103, forthwith.

5. As to the alternative motions of defendants Northwest Regional Communications, Daniel Nussbaum, Danielle Tush, Brian Craig, Leonard Deutsch, Ryan Ging, Susan Zurcher and Phillip Cestra for a more definite statement under Fed.R.Civ.P. 12(e) (Doc. Nos. 4 and 28), such motions will be denied in light of the Court's disposition of their motions to dismiss the Section 1983 claims for failure to state claims upon which relief may be granted and the transfer of plaintiff's state law claims to the Court of Common Pleas of Allegheny County, Pennsylvania.

6. The Clerk shall mark this case closed.



Arthur J. Schwab
United States District Judge
for
William L. Standish
United States District Judge

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