

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

REBECCA GOETZ, et al.,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 04-1662 (MLC)
	:	
v.	:	<b>ORDER &amp; MODIFIED JUDGMENT</b>
	:	
CAPITAL HEALTH SYSTEMS, INC.,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

For the reasons stated in the Court's memorandum opinion, **IT IS** on this 9<sup>th</sup> day of July, 2004 **ORDERED** that the motion, in effect, pursuant to Federal Rule of Civil Procedure 60(b)(1) for relief from an order and judgment entered May 28, 2004 (dkt. entry no. 5) is **DENIED**; and

**IT IS FURTHER ORDERED** that the Court will **MODIFY, SUA SPONTE**, the order and judgment entered May 28, 2004 (dkt. entry no. 4) to dismiss the complaint for lack of jurisdiction under 28 U.S.C. § 1332 without prejudice to the plaintiffs to re-commence the action in an appropriate state court; and

**IT IS FURTHER ADJUDGED** that the order and judgment entered May 28, 2004 (dkt. entry no. 4) is **MODIFIED** to **DISMISS** the complaint **WITHOUT PREJUDICE** to the plaintiffs to **RE-COMMENCE** the action in an appropriate state court; and

**IT IS FURTHER ORDERED** that the plaintiffs are **GRANTED LEAVE** to re-commence the action in an appropriate state court by **JULY 30, 2004**; and

**IT IS FURTHER ORDERED** that the Court's Courtroom Deputy is **DIRECTED** to (1) call the plaintiffs' counsel to advise of this order and judgment, (2) note on the docket when the plaintiffs' counsel is called, and (3) note on the docket the manner in which the message is delivered, e.g., to a specific person or by voicemail.

\_\_\_\_\_  
s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge