

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

STILLWATER LAKES CIVIC
ASSOCIATION, INC.,

Plaintiff

V.

NOREEN GORKA, MICHAEL
GLASSIC, STILLWATER LAKES
CITIZENS, and STILLWATER
LAKES COMMUNITY ACTIVISTS,
a nonprofit corporation,

Defendants

3:08 CV 2264

(Magistrate Judge Blewitt)

PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS
CASE WITH PREJUDICE

Plaintiff, Stillwater Lakes Civic Association, Inc., by and through its counsel, Young & Haros, LLC, hereby requests that the above captioned action be dismissed with prejudice, as follows:

1. The gravamen of Plaintiff's original Complaint and Amended Complaint is that the Defendants have impermissibly misappropriated the

Association's trade name on their website and have effectively confused the consumer.

2. Attached as Exhibit A to Plaintiff's original Complaint and Amended Complaint is a copy of the home page for the website as it existed in the months preceding the initiation of this action. The same item is also attached to this Motion as Exhibit "A" and incorporated herein.

3. Attached as Exhibit C to Plaintiff's original Complaint and Amended Complaint is a copy of the home page for the website as it existed at the time this action was initiated. The same item is also attached to this Motion as Exhibit "B" and incorporated herein.

4. Since the initiation of this action, Defendants have made changes to the website's home page which decrease the chance of confusion regarding Plaintiff's involvement and/or affiliation with the website. A copy of the website's current homepage is attached to this Motion as Exhibit "C" and incorporated herein.

5. For example, the homepage of the website now more clearly distinguishes between Defendant Stillwater Lakes Community Activist and

Plaintiff Stillwater Lakes Civic Association and no longer confusingly refers to both entities using the same “SLCA” acronym.

6. The homepage now also contains two separate disclaimers which proclaim:

Please note: This website is neither owned or operated by Stillwater Lakes Civic Association or its Board of Directors. We are just community members frustrated by the lack of communication and fiscal responsibility of the board and management company. The articles, notices, advertisements and any other information on this site does not necessarily reflect the views or opinions of the website or the Stillwater Lakes Civic Association's Board of Directors or management company, unless expressly and specifically stated therein.

7. Aside from the decreased risk of confusion, Plaintiff can no longer afford to fund this case through trial.

8. Wherefore, Plaintiff asks the court to voluntarily dismiss the action with prejudice.

9. So as to save all parties the expense of continuing this litigation, it is further requested that Discovery be stayed pending the resolution of this Motion.

10. Plaintiff's counsel has attempted but been unsuccessful in reaching Defendants' counsel in order to obtain his concurrence.

WHEREFORE, Plaintiff respectfully requests the Court to stay discovery and dismiss the action with prejudice.

YOUNG & HAROS, LLC

Date: May 9, 2011

BY /s/ Nicholas Charles Haros
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nharos@eastpennlaw.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2011, I caused a copy of Plaintiff's Motion to Dismiss to be served on counsel electronically via the ECFS of the Middle District Court:

MARSHALL E. ANDERS, ESQ.
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FAX: (570) 424-9288
Email: nharos@eastpennlaw.com
Attorneys for Plaintiff



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Members Forum

**STORMTRACKER16**

Forecast for
Tuesday
 75°

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How to avoid being ripped off by your homeowners association
REMICK VS WILKINS & ASSOCIATES
Are you required to be a SLCA member?
Update to the Stillwater Sewer Corp.

Recent posts on the forum.

**Welcome to SLCA!**

Stillwater Lakes Civic Association (SLCA) is conveniently located off Route 940, near Interstates 380 & 80, in Pocono Summit, Pennsylvania.

**Register Here**

Please register to participate in polls, leave comments, and allow us to contact you regarding important events, meetings and happenings.

Please note we are not the board or NEPA management company, just community members frustrated by the lack of communication and fiscal responsibility of the board and management company. Thank you!

SLCA is currently managed by NEPA Management Associates, 304 Park Avenue, Stroudsburg, PA 18360. If you have any questions or comments please call Patty Gleason at 570.421.5409, or at the SLCA office (Friday and Saturday, 9-4) at 570.839.7870.

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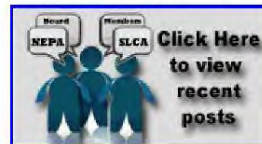
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homeowners association
REMICK VS WILKINS & ASSOCIATES
 Are you required to be a SLCA member?

Recent posts on the forum.

**Welcome to SLCA!**

**Owners for an
 OPEN
 HONEST
 TRANSPARENT
 COMMUNITY**

Stillwater Lakes Community Activist (SLCA) is a growing group of property owners in the planned community known as Stillwater Lakes Civic Association.

Our goal is to create an open honest transparent community, with all meetings adhering to the following expectations:

- Modern Rules of Order will be followed at all SLCA

meetings.

- All homeowners will have an opportunity to speak and be heard.
- The Board will schedule meetings with set agendas and will provide homeowners with notice well in advance of the events.
- The Board will be open and honest and transparent regarding all SLCA activities.
- The Board will guarantee fiscal responsibility in all SLCA dealings.

Show your support for an open honest and transparent community run by competent Directors by signing our online petition.



**Register
 Here**



**Click Here
 To Sign PETITION**

Please register to participate in polls, leave comments, and allow us to contact you regarding important events, meetings and happenings.

Please note we are not the board or NEPA management company, just community members frustrated by the lack of communication and fiscal responsibility of the board and management company. Thank you!

Stillwater Lakes Civics Association is currently managed by NEPA Management Associates, 304 Park Avenue, Stroudsburg, PA 18360. If you have any questions or comments please call the property manager at 570.421.5409, or at the SLCA office (Friday and Saturday, 9-4) at 570.839.7870.

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STORMTRACKER16

Forecast for
Monday
32°

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Polls

Do you support the current direction the Board is taking our community?

- ☐ No, and I would vote to have the current board members removed/replaced
- ☐ No, but I'm not in good standing to vote.
- ☐ Yes, I'm satisfied with the current Board.
- ☐ I'm not sure that I know enough to make a well-informed decision

[VOTE](#)[RESULTS](#)**NEWSWATCH16**

- 16** Paola Got Married!
- 16** Scott and Julie Welcome Baby Roy
- 16** School Bus Crash in Williamsport
- 16** Flames Damage Monroe County Home
- 16** Robbery in Scranton
- 16** No More Curb-side Recycling
- 16** Accused Killers in Luzerne County Court
- 16** Tough Time for Job Searches

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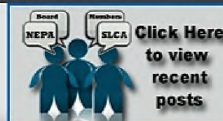
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[Raise Your Glass to the New Year
DEP cracking down on SLCA sewer issues
Stillwater sewer plant must clean up violations](#)
[Real estate broker Wilkins accused of
hiding wealth in divorce](#)

Recent posts on the forum.



Welcome to Stillwater Lakes Community Activist!

CRIME SCENE

CRIME SCENE

CRIME SCENE

Owners for an OPEN HONEST TRANSPARENT COMMUNITY

We are a growing group of property owners who reside in the planned communities known as Stillwater Lakes and Stillwater Lakes Estates whos common areas are owned and maintained by Stillwater Lakes Civic Association (SLCA).

Our goal is to create an open honest and transparent relationship with SLCA, one that follows the covenants, conditions and restrictions associated with our properties, and who conducts all meetings adhering to the following expectations:

- Modern Rules of Order will be followed at all board meetings.
- All property owners will have an opportunity to speak and be heard.
- The Board will schedule meetings with set agendas and will provide property owners with notice well in advance of the events.
- The Board will be open and honest and transparent regarding all SLCA activities.
- The Board will guarantee fiscal responsibility in all SLCA dealings.

The property owners of Stillwater Lakes and Stillwater Lakes Estates cannot have faith in the SLCA Board of Directors unless there is complete transparency. If there is nothing to hide, then transparency cannot hurt.



Please register to participate in polls, leave comments, and allow us to contact you regarding important events, meetings and happenings.



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Stillwater Lakes Civics Association is currently managed by Appletree Management Group Inc. If you have any questions or comments please call the property manager at 570.421.5409, or at the SLCA office (Friday and Saturday, 9-4) at 570.839.7870.

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STORMTRACKER16

48°

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Polls

What should we do about the website lawsuit?

- ☐ Take the settlement offer on the property owners dime.
- ☐ Make the board members responsible for paying legal costs.

[VOTE](#)

[RESULTS](#)

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FEELING**



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CITIZENS, and STILLWATER
LAKES COMMUNITY ACTIVISTS,
a nonprofit corporation,

Defendants

[illegible]

3:08 CV 2264

(Magistrate Judge Blewitt)

ORDER

AND NOW, this ____ day of _____ 2011, upon review of Plaintiff's *Motion to Voluntarily Dismiss Case*, said Motion is GRANTED and the case is hereby dismissed in its entirety with prejudice.

BY THE COURT:

, J.

Cc: Nicholas Charles Haros, Esq.
Marshall E. Anders, Esq.