

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------------|---|------------------|
| APB REALTY, INC., |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | CIVIL ACTION |
| |) | NO. 15-13142-NMG |
| GEORGIA-PACIFIC LLC, |) | |
| LIQUIDITY SERVICES, INC., and |) | |
| BEASLEY FOREST PRODUCTS, INC., |) | |
| |) | |
| Defendants. |) | |

**REPORT AND RECOMMENDATION
ON BEASLEY FOREST PRODUCTS, INC.'S AND
LIQUIDITY SERVICES, INC.'S MOTIONS TO DISMISS**

August 19, 2016

DEIN, U.S.M.J.

I. INTRODUCTION

This action arises out of the efforts of the plaintiff, APB Realty, Inc. ("APB"), to purchase 88 railroad cars that were owned by the defendant, Georgia-Pacific LLC ("Georgia-Pacific"), and to resell them to the defendant, Beasley Forest Products, Inc. ("Beasley"). APB claims that on July 27, 2015, it reached an agreement with Georgia-Pacific's broker, defendant Liquidity Services, Inc. ("Liquidity"), to purchase the 88 railcars from Georgia-Pacific. It also claims that on the same day, it reached an agreement with Beasley under which Beasley confirmed its commitment to purchase the 88 railroad cars from APB. However, shortly thereafter, APB learned that Georgia-Pacific had accepted an offer from Beasley to purchase the railroad cars from Georgia-Pacific directly, for the same price that Beasley had promised to pay to purchase

*Report and Recommendation accepted and
adopted. JKM Gorton, USDJ 9/7/16*