

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ELEPHANT FOR DOLLAR, INC., )  
 Plaintiff )  
 )  
 v. )  
 )  
 DDRM RIVERDALE SHOPS, LLC, )  
 Defendant, Plaintiff-in-Counterclaim )  
 )  
 v. )  
 )  
 ELEPHANT FOR DOLLAR, INC. and )  
 LISELOT WALKER, )  
 Defendants-in-Counterclaim )

Civil Action No. 11-30069-NMG

REPORT AND RECOMMENDATION WITH REGARD TO MOTION  
FOR SUMMARY JUDGMENT BROUGHT BY DEFENDANT/PLAINTIFF-IN-  
COUNTERCLAIM (Document No. 23)  
 March 2, 2012

NEIMAN, U.S.M.J.

This dispute centers on a lease between Elephant for Dollar, Inc. ("Elephant"), the lessee, and DDRM Riverdale Shops, LLC ("DDRM"), the lessor. Elephant alleges in its three-count complaint that DDRM violated the conditions of an amended lease agreement and seeks damages and injunctive relief. DDRM asserts counterclaims against both Elephant and its owner, Liselot Walker ("Walker"), maintaining that any amendments to the original lease were invalid and that Elephant and Walker breached the conditions of that lease. DDRM seeks specific performance and damages.

DDRM has moved for summary judgment on both of its counterclaims against Elephant and Walker (for breach of contract and specific performance), as well as on each count of Elephant's complaint (bad faith negotiations, breach of contract, and

*After consideration of defendants' objections thereto (Docket No. 33),  
 Report and Recommendation is accepted and adopted.*

*ASM Gorton, USDJ 4/13/12*