

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHIGAN LABORERS'  
PENSION FUND,

Plaintiffs,

Case No. 14-cv-14142  
Hon. Matthew F. Leitman

v.

RITE WAY FENCE, INC. *et al.*,

Defendants.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT (ECF #75)**

On January 17, 2017, Plaintiffs the Michigan Laborers' Pension Fund (the "Fund") filed a motion for summary judgment on its claims against Defendants Rite Way Fence, Inc. ("Rite Way"), Marx Contracting, Inc. ("Marx"), H & H Rentals, LLC ("H&H"), and Eugene Zapczynski. (*See* ECF #75.) The Court held a hearing on the Fund's motion on May 3, 2017.

For the reasons stated on the record at the hearing, the Fund's motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- The Fund's motion is **GRANTED** with respect to Defendants Rite Way, Marx, and H&H; and

- The Fund's motion is **DENIED** with respect to Defendant Zapczynski.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: May 3, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 3, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
(313) 234-5113