

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SIEMATIC MOBELWERKE GMBH	:	
& CO.KG	:	
Plaintiff,	:	
v.	:	06-CV-5165
	:	
SIEMATIC CORPORATION,	:	
SIEMATIC DESIGN STUDIOS, LLC	:	
FRANK W. SIEKMANN,	:	
Defendants.	:	
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SIEMATIC CORPORATION and	:	
FRANK SIEKMANN,	:	
Counterclaim-Plaintiffs,	:	
	:	
v.	:	
	:	
SIEMATIC MOBELWERKE GMBH	:	
& CO KG, and ULRICH SIEKMANN	:	
Counterclaim-Defendants.	:	

ORDER

_____ **AND NOW**, this ___15th ___ day of July, 2009, upon consideration of the Partial Motion for Summary Judgment of Plaintiff on Count I of the Amended Complaint (Doc. #102), and the response of the Defendant SieMatic Corporation thereto, it is **ORDERED** that Plaintiff's Motion is **GRANTED** as to Count I of the Amended Complaint, breach of contract for failure to pay the Current Indebtedness (Am. Compl. ¶¶ 114-116).

It is further **ORDERED** that the plaintiff shall submit a proposed formula for the calculation and conversion of damages and prejudgment interest for SMC's breach of contract (the "Proposed Formula"). The Proposed Formula should reflect the Court's ruling that the plaintiff is entitled to:

- (a) €800,000 plus interest at a rate of 3.5% from April 20, 2005 until December 31,

2005, converted into U.S. Dollars, plus prejudgment interest on that amount at a rate of 6% from December 31, 2005; and

(b) €1,340,719.27, plus prejudgment interest on that amount at a rate of 6% from June 1, 2005.

The plaintiff shall submit the Proposed Formula by August 3, 2009. The defendant shall submit its opposition to the Proposed Formula, if any, by August 17, 2009. Judgment shall be entered for the plaintiff in an amount to be determined following review of the Proposed Formula and any response thereto.

It is further **ORDERED** that the Motion for Summary Judgment of Defendant SieMatic Corporation (Doc. #101), is **GRANTED** in part and **DENIED** in part as follows:

Defendants' Motion for Summary Judgment on Count I, breach of contract for failure to pay freight and installation charges (Am. Compl. ¶¶ 118-121), is **GRANTED** and this claim is dismissed;

Defendants' Motion for Summary Judgment on Count II, Fraudulent Transfer under Pa. C.S.A. § 5104, is **DENIED**;

Defendants' Motion for Summary Judgment on Count III, Fraudulent Transfer under Pa. C.S.A. § 5105, is **DENIED**;

Defendants' Motion for Summary Judgment on Count IV, Piercing the Corporate Veil, is **DENIED**.

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: