

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

GENE C. BENCKINI	:	CIVIL ACTION
t/a	:	
BENCKINI NURSERIES,	:	
Plaintiff	:	
	:	
v.	:	
	:	
BRIAN HAWK, <u>et al.</u> ,	:	
Defendants	:	NO. 07-3580

**ORDER**

**AND NOW**, this 21st day of April 2009, upon consideration of Plaintiff Gene C. Benckini’s Motion for Summary Judgment (Doc. No. 79), Defendant Leroy Oswald’s Motion for Summary Judgment (Doc. Nos. 81, 82) and Defendant Oswald’s Response to the Benckini Motion (Doc. No. 88), IT IS HEREBY ORDERED that Plaintiff Benckini’s Motion (Doc. No. 79) is DENIED, and Defendant Oswald’s Motion (Doc. No. 81, 82) is GRANTED as outlined in the accompanying memorandum.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E. K. PRATTER  
UNITED STATES DISTRICT JUDGE