

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

ENVIRONMENTAL EQUIPMENT & :  
SERVICE COMPANY, :  
: Plaintiff, : CIVIL ACTION  
v. : : No. 08-1478  
: :  
WACHOVIA BANK, N.A., :  
: Defendant. :  
:

September 23rd, 2010

Anita B. Brody, J.

**ORDER**

AND NOW, this 23rd day of September, 2010, it is ORDERED that Defendant's Motion for Summary Judgment (Doc. #69) is GRANTED in part and DENIED in part, as follows:

- Defendant's Motion on Plaintiff's Negligence Claim is GRANTED.
- Defendant's Motion on Plaintiff's Breach of Contract Claim is GRANTED.
- Defendant's Motion on Plaintiff's Breach of Duty of Good Faith and Fair Dealing Claim is GRANTED.
- Defendant's Motion on Plaintiff's Pennsylvania Uniform Fiduciaries Act Claim is GRANTED.
- Defendant's Motion on Plaintiff's Pennsylvania Commercial Code Claims is GRANTED as to claims barred by the applicable statutes of repose and limitations but DENIED as to claims not barred by the applicable statutes of repose and limitations.
  - Plaintiff's Pennsylvania Commercial Code claims survive as to checks

containing alterations or forged drawer signatures and appearing on account statements on October 31, 2005 or after.

- ▶ Plaintiff's Pennsylvania Commercial Code claims survive as to checks containing forged indorsements and negotiated on February 25, 2005 or after.
- ▶ Defendant's Motion on Plaintiff's Aiding and Abetting Claim is **GRANTED** as to claims barred by the applicable statute of limitations but **DENIED** as to claims not barred by the applicable statute of limitations.
  - ▶ Plaintiff's aiding and abetting claims survive as to any aiding and abetting that took place on February 25, 2006 or after.

s/Anita B. Brody

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Anita B. Brody, J.

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