

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

AMERICAN	:	CIVIL ACTION
INFRASTRUCTURE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 08-2701
	:	
ZACHARY CONSTRUCTION	:	
CORP., et. al.,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 28th day of December, 2010, upon consideration of Plaintiff's Motion for Summary Judgment, Defendants' Motion for Summary Judgment, the parties responses in opposition, after oral argument, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that:

- Defendants' Motion for Summary Judgment (doc. no. 48) is **GRANTED** as to all counts in Plaintiff's First Amended Complaint;
- Plaintiff's Motion for Summary Judgment (doc. no. 47) is **DENIED**; and
- Should Defendants wish to pursue a claim for costs under Federal Rule of Civil Procedure 54(d)(1), they shall submit an appropriate motion within thirty (30) days of this Order.

It is **FURTHER ORDERED** that:

- Defendants' "Motion to Preclude Evidence" (doc. no. 45) is **DENIED** as **MOOT**;
- and
- Defendants' "Motion to Strike American Infrastructure's Jury Demand" (doc. no. 46)

is **DENIED** as **MOOT**.

Therefore, judgment is entered in favor of Defendants and against Plaintiff. The Clerk of Court is directed to mark this matter closed.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.