

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

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JAMES P. FLEMING and ELIZABETH	:	:
FLEMING,	:	:
	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	No. 08-5589
	:	:
HOME DEPOT U.S.A., INC.,	:	:
	:	:
Defendant and	:	:
Third-Party Plaintiff,	:	:
v.	:	:
	:	:
KRAUSE-WERK GmbH & CO. KG,	:	:
	:	:
Third-Party Defendant.	:	:
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ORDER

AND NOW, this 21st day of October, 2009, upon consideration of the Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) filed by Third-Party Defendant Krause-Werk GmbH & Co. KG (Doc. No. 11), and the Response and Reply thereto, it is hereby **ORDERED** that the Motion is **GRANTED**. The Third-Party Complaint against Krause-Werk GmbH & Co. KG, filed by Home Depot U.S.A., Inc. (Doc. No. 5), is **DISMISSED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE