

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

NIPPO CORPORATION/INTERNATIONAL BRIDGE CORPORATION,	:	
	:	
	:	
Plaintiff/Counterdefendant,	:	
	:	CIVIL ACTION
v.	:	NO. 09-cv-0956
	:	
AMEC EARTH & ENVIRONMENTAL, INC.	:	
	:	
	:	
Defendant/Counterclaimant.	:	

ORDER

AND NOW, this 21st day of September 2011, upon consideration of (1) Defendant/Counterclaimant AMEC Earth and Environmental Inc.’s (“AMEC”) motion for partial summary judgment [doc. no. 80], and all related briefing in opposition to and in support of that Motion; (2) Plaintiff/Counterdefendant Nippo Corp./International Bridge Corp.’s (the “Joint Venture”) Motion for Partial Summary Judgment Regarding Liquidated Damages [doc. no. 70], and all related briefing in opposition to and in support of that Motion; and (3) the Joint Venture’s Motion for Partial Summary Judgment Regarding Undisputed Change Orders [doc. no. 79], and all related briefing in opposition to and in support of that Motion; and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. AMEC’s Motion for Partial Summary Judgment [doc. no. 80] is **GRANTED in part and DENIED in part** as follows: AMEC’s Motion for Partial Summary Judgment is **GRANTED** only with respect to Count 5 (electrical work), and **Count 5 is DISMISSED with prejudice**. AMEC’s Motion is **DENIED** in all other respects.

2. The Joint Venture’s Motion for Partial Summary Judgment Regarding Liquidated

Damages [doc. no. 70] is **DENIED**.

3. The Joint Venture's Motion for Partial Summary Judgment Regarding Undisputed Change Orders [doc. no. 79] is **GRANTED in part and DENIED in part** as follows. The Joint Venture is **GRANTED** Summary Judgment on its claim that it is entitled to payment by AMEC for Change Order Requests 11, 19, 27, 28, 29, 32, 33, 41, and 46, with a determination of the sum of those Change Orders and prejudgment interest owing, if any, to be determined at trial, and with payment postponed until after final judgment in this matter and resolution of AMEC's Counterclaims against the Joint Venture, and offsets, if any.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.