

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

FRANKLIN MILLS ASSOCIATES, L.P.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 09-3045
NATIONWIDE LIFE INSURANCE	:	
COMPANY	:	

ORDER

AND NOW, this 12th day of December, 2011, upon consideration of Plaintiff Franklin Mills Associates L.P.'s Motion for Summary Judgment (ECF No. 11) and Defendant Nationwide Life Insurance Company's Cross-Motion for Summary Judgment and Motion to Strike (ECF No. 12), and all documents submitted in support thereof and in opposition thereto, it is

ORDERED as follows:

1. Defendant's Cross-Motion for Summary Judgment is **DENIED**.
2. Defendant's Motion to Strike Exhibit B to Plaintiff's Complaint and Exhibit D to Plaintiff's Motion for Summary Judgment is **DENIED**.
3. Defendant's Motion to Strike Exhibit E to Plaintiff's Motion for Summary Judgment is **DENIED** without prejudice.
4. Plaintiff's Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part as follows:
 - a. As to Count I of the Complaint for breach of contract, Plaintiff's Motion is **GRANTED** and judgment is entered in favor of Plaintiff Franklin Mills Associates L.P.;
 - b. As to Plaintiff's request for specified damages, Plaintiff's Motion is

DENIED for the reasons set forth in the accompanying Memorandum.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Surrick", written over a horizontal line.

R. BARCLAY SURRICK, J.