

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

EL BOR CORP. d/b/a	:	CIVIL ACTION
JUNIATA FITNESS,	:	NO. 09-5005
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
FIREMAN'S FUND INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW**, this **6th** day of **May, 2011**, it is hereby **ORDERED** that Defendant's motion for summary judgment (doc. no. 24) is **GRANTED in part and DENIED in part** as follows:

- 1) Defendant's motion is **DENIED** as to Plaintiff's Count One claim for breach of contract;
- 2) Defendant's motion is **GRANTED** as to Plaintiff's Count Two statutory bad faith claim;

It is hereby further **ORDERED** that pretrial memoranda pursuant to Local Rule of Civil Procedure 16.1(c); proposed voir dire questions, jury instructions,<sup>1</sup> special interrogatories, and verdict forms for a jury trial (or proposed findings of fact and conclusions of law for a non-jury trial); and any motions in limine shall be filed by **Friday, May 27, 2011**;

It is hereby further **ORDERED** that a final pretrial conference shall be held on **Wednesday, June 8, 2011, at 2:00 P.M.**

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<sup>1</sup> Each proposed jury instruction should be numbered, should appear on a separate page, and should include citations to the authorities supporting the proposed instruction.

in Courtroom 11A, United States Courthouse, 601 Market St.,  
Philadelphia, Pennsylvania.

**AND IT IS SO ORDERED.**

S/Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**