

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

<b>HAROLD SELTZER, <i>et al.</i>,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	
	:	
<b>DUNKIN' DONUTS, Inc., <i>et al.</i>,</b>	:	
<b>Defendants.</b>	:	<b>No. 09-5484</b>

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of April, 2011, upon consideration of Defendants' Motion to Dismiss (Docket No. 10), it is hereby **ORDERED** that the Motion is **GRANTED in PART** and **DENIED in PART**, as follows:

1. The Motion is **GRANTED** with regard to Counts II, VI, X and XIV of the Complaint, which present third-party beneficiary claims on behalf of Plaintiffs AAA Development & Management, AAA Development Group, AAA Yowza and Yowza Enterprises (collectively, "the Entity Plaintiffs"); and Counts IV, VIII, XII and XVI of the Complaint, which present tortious interference claims on behalf of the Entity Plaintiffs.
2. The Motion is **DENIED** with regard to Counts III, VII, XI and XV of the Complaint, which present promissory estoppel claims on behalf of the Entity Plaintiffs; and Counts V, IX, XIII and XVII of the Complaint, which present fraudulent misrepresentation claims on behalf of the Entity Plaintiffs.

BY THE COURT:

S/Gene E.K.Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE