

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

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JAMES MACKAY and CELEBRITY :  
FOODS, INC., :  
Plaintiffs, :  
 :  
v. :  
 :  
WILLIAM F. DONOVAN and SPINE :  
PAIN MANAGEMENT, INC. :  
Defendants. :  
\_\_\_\_\_

CIVIL ACTION  
NO. 10-218

**ORDER**

AND NOW, this 1<sup>st</sup> day of July, 2011, upon review of Counter Defendant’s Motion for Judgment on the Pleadings [Doc. No. 34], Counter Plaintiff’s response, and Counter Defendant’s reply, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant’s Motion is **GRANTED**. Accordingly, the counterclaims are **DISMISSED** with prejudice.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**