

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

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**NBL FLOORING, INC., on behalf of  
itself and all others similarly situated,** :

**Plaintiff,** :

**v.** :

**TRUMBALL INSURANCE CO., et al.,** :

**Defendants.** :

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**CIVIL ACTION  
NO. 10-4398**

**ORDER**

**AND NOW**, this 1<sup>st</sup> day of August 2012, upon review of Defendants’ Motion for Judgment on the Pleadings [Doc. No. 31], Plaintiff’s Response in Opposition [Doc. No. 34], and Defendants’ Reply [Doc. No. 38], and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that:

1. Defendants’ Motion is **DENIED** as to the breach of contract claims against Defendant Hartford Financial Services Group, Inc. (Count I).
2. Defendants’ Motion is **GRANTED** as to Plaintiff’s fraud claims (Count II). Plaintiff’s fraud claims against both Defendants are dismissed without prejudice.
3. Defendants’ Motion is **DENIED** as to Plaintiff’s unjust enrichment claims (Count III). At this point in the litigation, Plaintiff may maintain its unjust enrichment claims, pled in the alternative to its breach of contract claims, against both Defendants.

It is so **ORDERED**.

**BY THE COURT:**  
  
/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**