

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

<b>DUNKIN' DONUTS FRANCHISED</b>	:	
<b>RESTAURANTS, LLC, et. al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CLAUDIA I, LLC, et. al</b>	:	
	:	
<b>Defendants;</b>	:	
	:	
<i>and</i>	:	<b>Civil Action 12-2010</b>
	:	
<b>CLAUDIA I, LLC, et. al.</b>	:	
	:	
<b>Third Party Plaintiffs</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>SPRING HILL REALTY, INC., et. al.</b>	:	
	:	
<b>Third Party Defendants.</b>	:	

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of February 2014, upon consideration of plaintiffs' and third party defendant's motion for summary judgment (doc. no. 67), and defendants' and Spring Hill Realty's response thereto (doc. nos. 73 and 77);

**AND** upon consideration of plaintiffs' and third party defendant's motion to strike opposition to plaintiff's statement of material facts (doc. no. 83) and defendants' response thereto (doc. no. 84);

**IT IS HEREBY ORDERED** that:

1. Plaintiffs' and third party defendant's motion to strike opposition to plaintiff's statement of material facts (doc. no. 83) is **DENIED**;
2. Plaintiffs' and third party defendant's motion for summary judgment (doc. no. 67) is **GRANTED** as to **Counts I, II, IV, VI and VIII**;
3. Summary judgment is also **GRANTED** in favor of third party defendant Spring Hill Realty, Inc. as to **Counts I and II**;
4. Plaintiffs' and third party defendant's motion for summary judgment (doc. no. 67) is **DENIED** as to **Counts III and V**;
5. **Counts I, II, IV, VI and VIII** are **DISMISSED** in their entirety; and
6. The case is re-referred to the Honorable Henry S. Perkin for the purpose of conducting a settlement conference.

BY THE COURT

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.