

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

JERALD S. BATOFF,  
Plaintiff/ Counterclaim Defendant,

v.

JULIE CHARBONNEAU,  
and  
DEAN TOPOLINKSKI,  
Defendants/ Counterclaim Plaintiffs,

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: CIVIL ACTION  
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: NO. 12-cv-05397  
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**ORDER**

**AND NOW**, this 19th day of March 2013, upon consideration of plaintiff’s partial motion to dismiss defendants’ counterclaims under Federal Rule of Civil Procedure 12(b)(6) (Doc. # 19), defendants’ opposition brief, and plaintiff’s reply thereto, **IT IS HEREBY ORDERED THAT:**

1. With respect to counts V through VII, inclusive, of defendants’ counterclaims, the plaintiff’s motion to dismiss is **GRANTED** and those claims are **DISMISSED**; and

2. With respect to the count IV for unjust enrichment, the plaintiff’s motion to dismiss is **DENIED**.

s/ William H. Yohn Jr.

William H. Yohn Jr., Judge