

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

SPEAR, et al.

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CIVIL ACTION

v.

FENKELL, et al.

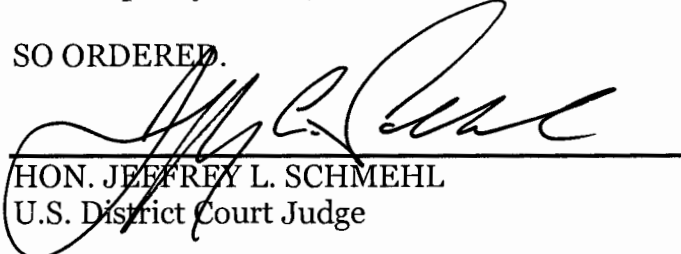
NO. 13-02391

**ORDER**

AND NOW this 29<sup>th</sup> day of JANUARY, 2014, upon careful and independent consideration of the pleadings of the parties, hearing transcript, and Report and Recommendation of Magistrate Judge Richard A. Lloret ~~it is~~ **AND NO OBJECTIONS** **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. The Fenkell Parties' Motion to Dismiss (Doc. No. 113-1) SLMRS's Crossclaims (Doc. No. 87, ¶¶ 1-8), insofar as those claims relate to Counts Four and Five of the Amended Complaint (Doc. No. 68, ¶¶182-188) is **GRANTED**.
3. The Fenkell Parties' Motion to Dismiss (Doc. No. 113-1) SLMRS's Crossclaims (Doc. No. 87, ¶¶ 1-8), insofar as those claims relate to Counts Eleven and Thirteen of the Amended Complaint (Doc. No. 68, ¶¶ 228-36; 245-55) is **DENIED**.
4. The Fenkell Parties' Motion to Dismiss (Doc. No. 113-1) SLMRS's Crossclaims (Doc. No. 87, ¶ 8), insofar as they relate to indemnification, is **DENIED**.
5. The Fenkell Parties' Motion to Dismiss (Doc. No. 113-1) SLMRS's Crossclaims (Doc. No. 87 ¶ 5), insofar as they relate to civil conspiracy claims, is **DENIED**.

SO ORDERED.

  
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HON. JEFFREY L. SCHMEHL  
U.S. District Court Judge