

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

**KILBRIDE INVESTMENTS LIMITED,
BUSYSTORE LIMITED IN
LIQUIDATION, and
BERGFELD CO. LIMITED,
Plaintiffs,**

v.

**CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC.,
BLANK ROME LLP, and
COZEN O'CONNOR, P.C.,
Defendants,**

and

**CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC.,
Third Party Plaintiff,**

v.

**CHAIM ZEV LEIFER,
HASKEL KISH and
JFK BLVD. ACQUISITION G.P., LLC,
Third Party Defendants.**

CIVIL ACTION

NO. 13-5195

ORDER

AND NOW, this 25th day of April, 2018, upon consideration of the Motion for Summary Judgment by Defendant Cushman & Wakefield of Pennsylvania, Inc. (Document No. 122, filed April 17, 2017), Plaintiffs' Memorandum in Opposition to Cushman & Wakefield of Pennsylvania Inc.'s Motion for Summary Judgment (Document No. 159, filed May 24, 2017), Reply in Support of the Motion for Summary Judgment by Defendant Cushman & Wakefield of Pennsylvania, Inc. (Document No. 169, filed June 14, 2017), Motion of Defendant Cushman & Wakefield of Pennsylvania, Inc. to Exclude Expert Testimony of Stephen D. Roach Pursuant to

Fed. R. Civ. P. 702 and *Daubert v. Merrill Dow Pharmaceuticals* (Document No. 124, filed April 17, 2017), Plaintiffs' Memorandum of Law in Opposition to Defendant Cushman & Wakefield of Pennsylvania, Inc.'s Motion to Exclude Expert Testimony of Stephen D. Roach Pursuant to Fed. R. Evid. 702 and *Daubert v. Merrill Dow Pharmaceuticals* (Document No. 153, filed May 24, 2017), Reply Memorandum of Law in Support of Defendant Cushman & Wakefield of Pennsylvania, Inc.'s Motion to Exclude Expert Testimony of Stephen D. Roach Pursuant to Fed. R. Civ. P. 702 and *Daubert v. Merrill Dow Pharmaceuticals* (Document No. 165, filed June 14, 2017), Motion of Defendant Cushman & Wakefield of Pennsylvania, Inc., to Exclude the Expert Testimony of Albert R. Hughes III Pursuant to Fed. R. Civ. P. 702 and *Daubert v. Merrill Dow Pharmaceuticals* (Document No. 126, filed April 17, 2017), Plaintiffs' Memorandum of Law in Opposition to Defendant Cushman & Wakefield of Pennsylvania, Inc.'s Motion to Exclude the Expert Testimony of Albert R. Hughes III (Document No. 155, filed May 24, 2017), and Cushman & Wakefield of Pennsylvania, Inc.'s Reply in Support of Its Motion to Exclude the Expert Testimony of Albert R. Hughes III (Document No. 164, filed June 14, 2017), for the reasons set forth in the accompanying Memorandum dated April 25, 2018, **IT IS ORDERED**, as follows:

1. C&W's Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. That part of C&W's Motion for Summary Judgment which seeks summary judgment as to plaintiff Kilbride Investments Limited is **GRANTED**;

b. C&W's Motion for Summary Judgment is **DENIED** in all other respects;

2. C&W's Motion to Exclude the Expert Testimony of Stephen D. Roach is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. That part of C&W's Motion which seeks to exclude Roach's opinions with respect to the state of mind and credibility of the appraisers is **GRANTED**;

b. The Motion to Exclude the Testimony of Stephen D. Roach is **DENIED** in all other respects; and

3. C&W's Motion to Exclude the Expert Testimony of Albert R. Hughes III is **DENIED**.

IT IS FURTHER ORDERED that a telephone conference for the purpose of scheduling further proceedings will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.