

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

**DIANE BREEN,**

**Plaintiff,**

**v.**

**MILLARD GROUP, INC., also known as  
“THE MILLARD GROUP,”  
SD PROPERTY GROUP, INC.,  
SIMON PROPERTY GROUP, L.P.,  
SIMON PROPERTY GROUP  
(DELAWARE), INC.,  
SIMON PROPERTY GROUP, INC.,  
FRANKLIN MILLS GP, INC.,  
FRANKLIN MILLS, LLC, and  
PHILADELPHIA COCA-COLA  
BOTTLING CO.,**

**Defendants.**

**CIVIL ACTION**

**NO. 13-6926**

**ORDER**

**AND NOW**, this 9th day of November, 2016, upon consideration of defendants Millard Mall Services, Inc., incorrectly identified as Millard Group, Inc., a/k/a “The Millard Group,” SD Property Group, Inc., Simon Property Group (Delaware), Inc., Simon Property Group, L.P., Simon Property Group, Inc., Franklin Mills, GP, Inc. and Franklin Mills, LLC’s Motion for Summary Judgment (Document No. 27, filed Apr. 7, 2016) and defendant Coca-Cola Refreshments USA Inc.’s, incorrectly identified as Philadelphia Coca-Cola Bottling Co., Motion for Summary Judgment (Document No. 28, filed Apr. 8, 2016), plaintiff’s Memorandum of Law in Opposition to the Motion for Summary Judgment filed by Defendants Millard Mall Services, Inc., et al (Document No. 31, filed May 12, 2016), and Reply Brief in Support of the Motion for Summary Judgment of Defendants, Millard Mall Services, Inc., SD Property Group, Inc., Simon Property Group (Delaware), Inc., Simon Property Group, L.P., Simon Property Group, Inc., Franklin Mills, GP, Inc. and Franklin Mills, LLC (Document No. 32, filed May 18, 2016), for the

reasons set forth in the accompanying Memorandum dated October 25, 2016, **IT IS ORDERED** as follows:

1. The Motion for Summary Judgment filed by defendant Coca-Cola Refreshments USA Inc., incorrectly identified as Philadelphia Coca-Cola Bottling Co., is **GRANTED**. All claims against Coca-Cola Refreshments USA Inc., and all cross claims by and against Coca-Cola Refreshments USA Inc., are **DISMISSED WITH PREJUDICE**.

2. The Motion for Summary Judgment filed by defendants Millard Mall Services, Inc., SD Property Group, Inc., Simon Property Group (Delaware), Inc., Simon Property Group, L.P., Simon Property Group, Inc., Franklin Mills, GP, Inc. and Franklin Mills, LLC, is **GRANTED IN PART AND DENIED IN PART**, as follows:

- a. That part of defendants' Motion that seek summary judgment as to plaintiff's claim against defendant Millard Mall Services, Inc., incorrectly identified as Millard Group, Inc., a/k/a "The Millard Group," is **GRANTED**. All claims against Millard Mall Services, Inc., and all cross claims by and against Millard Mall Services, Inc., are **DISMISSED WITH PREJUDICE**;
- b. The Motion is **DENIED** in all other respects.

**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**

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**DuBOIS, JAN E., J.**