

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

ARSENAL, INC., t/a ARSENAL ASSOCIATES; and 5301 LLC.,	:	
Plaintiffs,	:	CIVIL ACTION
	:	No. 14-1289
v.	:	
	:	
LARRY AMMONS; PETER AMMONS; MELISSA BULLARD; BEN AMMONS, AMMONS SUPERMARKET LLC; and WAKEFERN FOOD CORPORATION,	:	
Defendants.	:	

ORDER

AND NOW, this ____26th ____ day of ____November____, 2014, it is **ORDERED** that the Ammons Defendants’ Motion to Dismiss (ECF No. 11) is **GRANTED IN PART AND DENIED IN PART**. Specifically:

- Count I (Promissory Estoppel) is **DISMISSED** against Larry Ammons, Peter Ammons, Ben Ammons, Melissa Bullard, and Ammons Supermarket LLC.
- Count II (Tortious Interference with Prospective Contractual Relations) is **DISMISSED** against Ben Ammons and Melissa Bullard.
- Count III (Fraud) is **DISMISSED** against Ben Ammons and Melissa Bullard.
- Count IV (Negligent Misrepresentation) is **DISMISSED** against Larry Ammons, Peter Ammons, Ben Ammons, Melissa Bullard, and Ammons Supermarket LLC.
- Count V (Unfair Competition) is **DISMISSED** against Larry Ammons, Peter Ammons, Ben Ammons, Melissa Bullard, and Ammons Supermarket LLC.
- Count VI (Civil Conspiracy) is **DISMISSED** against Larry Ammons, Peter

Ammons, Ben Ammons, Melissa Bullard, and Ammons Supermarket LLC.

It is **FURTHER ORDERED** that the Wakefern Food Corporation's Motion to Dismiss (ECF No. 12) is **GRANTED IN PART AND DENIED IN PART**. Specifically, as to defendant Wakefern Food Corporation:

- Count I (Promissory Estoppel) is **DISMISSED**.
- Count IV (Negligent Misrepresentation) is **DISMISSED**.
- Count V (Unfair Competition) is **DISMISSED**.
- Count VI (Civil Conspiracy) is **DISMISSED**.

The following claims remain:

- Count II (Tortious Interference with Prospective Contractual Relations) against Wakefern Food Corporation, Ammons Supermarket LLC, Larry Ammons, and Peter Ammons.
- Count III (Fraud) against Wakefern Food Corporation, Ammons Supermarket LLC, Larry Ammons, and Peter Ammons.

A memorandum opinion explaining this Order will follow.

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: