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

NEWSPRING MEZZANINE :

CAPITAL II, L.P., : CIVIL ACTION

Plaintiff, :

: No. 14-1706

DECEMBER 23, 2016

:

BAXTER MCLINDON HAYES, JR. et al., :

v.

Defendants. :

MCHUGH, J.

ORDER

This 23rd day of December, 2016, upon consideration of (1) Plaintiff NewSpring

Mezzanine Capital II, L.P.'s Motion for Summary Judgment (ECF No. 269), and the responses
and the replies thereto; (2) Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes's

Motion for Summary Judgment (ECF No. 263), and the responses and replies thereto;
(3) Defendants Baxter McLindon Hayes, Jr., and Utilipath Holdings, Inc.'s Motion for Summary

Judgment as to Certain Claims (ECF No. 266), and the responses and replies thereto; (4)

Counterclaim Defendants NewSpring Mezzanine Capital II, L.P., Steven Hobman, and Amy

Christensten's Motion for Summary Judgment (ECF No. 268), and the responses and the replies
thereto; (5) Defendant Utilipath LLC's Motion for Summary Judgment as to Certain Crossclaims

(ECF No. 265); and (6) Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes's

Motion for Summary Judgment as to Certain Crossclaims (ECF No. 264), and Defendants Baxter

McLindon Hayes, Jr., and Utilipath Holdings, Inc.'s identical Motion (ECF No. 267), it is hereby

ORDERED that:

1. Plaintiff NewSpring's Motion for Summary Judgment (ECF No. 269) is **DENIED** in

its entirety.

2. Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes's Motion for

Summary Judgment (ECF No. 263) is **GRANTED** as to Counts IV and X, and

DENIED as to the remaining counts.

3. Defendants Baxter McLindon Hayes, Jr., and Utilipath Holdings, Inc.'s Motion for

Summary Judgment as to Certain Claims (ECF No. 266) is **GRANTED** as to Counts

IV and X, and **DENIED** as to the remaining counts.

4. Counterclaim Defendants NewSpring Mezzanine Capital II, L.P., Steven Hobman,

and Amy Christensen's Motion for Summary Judgment (ECF No. 268) is **DENIED**

in its entirety.

5. Defendant Utilipath LLC's Motion for Summary Judgment as to Certain Crossclaims

(ECF No. 265) is **DENIED.**

6. Defendants Baxter McLindon Hayes, III, and Jarrod Tyson Hayes's Motion for

Summary Judgment as to Certain Crossclaims (ECF No. 264), and Defendants Baxter

McLindon Hayes, Jr., and Utilipath Holdings, Inc.'s identical Motion (ECF No. 267)

are both **GRANTED**.

/s/ GERALD AUSTIN MCHUGH___

Gerald Austin McHugh

United States District Judge

2