

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

LOEFFLER THOMAS P.C. f/k/a	:	
LOEFFLER THOMAS TOUZALIN LLP	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 15-5194
SIMON FISHMAN, ET AL.	:	

ORDER

AND NOW, this 11th day of April, 2016, upon consideration of the Motions to Dismiss filed by each of the named Defendants (ECF Nos. 4, 5, 6, 7, 8, 9, 10, 11),¹ and all documents submitted in support thereof, and in opposition thereto, it is **ORDERED** that the Motions are **GRANTED** in part, and **DENIED** in part, as follows:

1. Count 4 (breach of contract), Count 5 (account stated), and Count 6 (quantum meruit) with respect to the Third Circuit Appeal are **DISMISSED**.
2. Count 7 (breach of contract), Count 8 (account stated), and Count 9 (quantum meruit) with respect to the Stretton Matter are **DISMISSED**.
3. Count 10 (breach of contract), Count 11 (account stated), and Count 12 (quantum meruit) with respect to the Ferrara Matter are **DISMISSED**.
4. Count 13 (pre-judgment attachment of assets) is **DISMISSED**.

¹ The following Motions to Dismiss were filed by Defendants: Samuel Fishman (ECF No. 4); Capital Car Co., Cars & Trucks, LLC, Seed Acquisitions, LLC, and Seed Acquisitions, Inc. (ECF No. 5); Law Office of Samuel Fishman, P.C. (ECF No. 6); Daniel Fishman (ECF No. 7); Eric Fishman (ECF No. 8); Eugene Reed (ECF No. 9); Miriam Fishman (ECF No. 10); and Simon Fishman (ECF No. 11).

5. The Motions to Dismiss are **DENIED** with respect to the claims related to the Capital Car Matter (Counts 1 through 3).

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Surrick", is written over a horizontal line.

R. BARCLAY SURRICK, J.