

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

**RED STAR MORTGAGE CORPORATION,
Plaintiff,**

CIVIL ACTION

v.

**ALLEN BRANCH, BRANCH REALTY
COMMERCIAL ADVISORS,
XACATTACK, LLC, THOROFARE
CAPITAL, INC., RICHARD RICK
JAMARILLO, MICHAEL BRANCH, and
BRANCH REALTY LLC,
Defendants,**

NO. 15-6757

v.

**DAVID DURAN and STEVE DURAN,
Third-Party Defendants.**

ORDER

AND NOW, this 21st day of August, 2017, upon consideration of Defendant Thorofare Capital, Inc.'s ("Thorofare") Motion for Summary Judgment (ECF No. 130); Plaintiff's Response in Opposition thereto (ECF No. 147); Cross-Claim Defendant Richard Rick Jaramillo's Response in Opposition thereto (ECF No. 145); Third-Party Defendants David Duran's and Steve Duran's Responses in Opposition thereto (ECF Nos. 140 and 141); Thorofare's Reply in Support thereof (ECF No. 151); Defendant Allen Branch's Motion for Summary Judgment (ECF No. 132); Plaintiff's Response in Opposition thereto (ECF No. 146); Allen Branch's Reply in Support thereof (ECF No. 152); Defendant Richard Rick Jaramillo's Motion to Dismiss (ECF No. 133); Plaintiff's Response in Opposition thereto (ECF No. 148); Allen Branch's Motion to Strike (ECF No. 152); and Plaintiff's Response in Opposition thereto

(ECF No. 153), for the reasons set forth in the Court's Memorandum Opinion of August 21, 2017 (ECF No. 155), **IT IS ORDERED** that:

- (1) Defendant Jaramillo's Motion to Strike (ECF No. 152) is **DENIED**;
- (2) Defendant Allen Branch's Motion for Summary Judgment (ECF No. 132) is **GRANTED** and **JUDGMENT IS ENTERED IN FAVOR** of Defendant Allen Branch and **AGAINST** Plaintiff Red Star Mortgage Corporation on all claims;
- (3) Defendant Jaramillo's Motion to Dismiss (ECF No. 133), converted to a motion for summary judgment pursuant to the Court's order of May 15, 2017 (ECF No. 142), is **GRANTED** and **JUDGMENT IS ENTERED IN FAVOR** of Defendant Richard Rick Jaramillo and **AGAINST** Plaintiff Red Star Mortgage Corporation on all of Red Star's claims;
- (4) Thorofare's Motion for Summary Judgment (ECF No. 130) is **GRANTED**. **JUDGMENT IS ENTERED IN FAVOR** of Defendant Thorofare Capital, Inc. and **AGAINST** Plaintiff Red Star Mortgage Corporation on all of Red Star's claims against Thorofare, and **JUDGMENT IS ENTERED IN FAVOR** of Third-Party Plaintiff Thorofare Capital, Inc. and **AGAINST** Defendant Richard Rick Jaramillo and Third-Party Defendants Steve Duran and David Duran on Thorofare's claim for indemnification, attorneys' fees, and costs.
- (5) Thorofare shall submit a petition for attorneys' fees and costs to the Court no later than September 5, 2017.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.