

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

<b>APACHETA CORP.,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>LINCARE, INC.,</b>	:	<b>No. 16-2030</b>
<b>Defendant.</b>	:	

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of **November, 2017**, upon consideration of the parties' cross-motions for summary judgment and the responses thereto, and for the reasons stated in the Court's Memorandum dated November 30, 2017, it is hereby **ORDERED** that:

1. The motions (Document Nos. 35, 36) are **DENIED**.
2. The parties are encouraged to seek resolution of this matter through mediation. If the parties are unable to resolve the case, a trial will be held as scheduled.

**BY THE COURT:**

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**Berle M. Schiller, J.**