

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

CMW INVESTMENTS, LTD,

Plaintiff,

v.

CELLCO PARTNERSHIP,

Defendant.

CIVIL ACTION
No. 16-02220

ORDER

AND NOW, this 8th day of July, 2016, upon consideration of Cellco Partnership's ("Cellco") Motion to Dismiss (ECF No. 9), CMW Investments, LTD's ("CMW") Response (ECF No. 10) and Cellco's Reply (ECF No. 12), it is **ORDERED** that the motion is **GRANTED**.

CMW's "holdover" theory is **DISMISSED** with prejudice. CMW may amend its complaint to support its claim of a duly signed and written fifth amendment to the parties' lease agreement.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.