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

NORTH AMERICAN ELITE INSURANCE COMPANY, Plaintiff, **CIVIL ACTION** 

v.

NO. 17-3554

## VICTORY FIRE PROTECTION, INC., Defendant.

## <u>ORDER</u>

AND NOW, this 23rd day of August, 2018, upon consideration of Simplex Grinnell LP's Motion for Summary Judgment (ECF No. 65), North American Elite Insurance Company's Response in Opposition thereto (ECF No. 66), Penn Builders, Inc.'s Response in Opposition thereto (ECF No. 68 & 69), Victory Fire Protection, Inc.'s Response in Opposition thereto (ECF No. 70 & 71), and Simplex Grinell LP's Reply in Further Support thereof (ECF No. 73), **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- Summary Judgment is GRANTED as to North American Elite Insurance Company's Rule 14(a)(3) claim against Simplex Grinnell LP. North American's claim against Simplex Grinnell will be DISMISSED.
- (2) Summary Judgment is **DENIED** as to Penn Builders, Inc., Victory Fire Protection, Inc., and Anchor Fire Protection Company's claims against Simplex Grinnell LP.

**BY THE COURT:** 

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.