

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

APOGEE WAUSAU GROUP, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
PMC PROPERTY GROUP, INC.	:	NO. 22-3690

ORDER

AND NOW, this 8th day of May 2024, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that:

(1) The motion of plaintiff Apogee Wausau Group, Inc. d/b/a Wausau Window and Wall Systems ("Wausau") for summary judgment (Doc. # 38) is GRANTED as to the counterclaim of PMC Property Group, Inc. ("PMC"), to the extent that the counterclaim asserts a claim under the First Amendment, but Wausau's motion is otherwise DENIED;

(2) The motion of defendant and counterclaimant PMC Property Group, Inc. ("PMC") for partial summary judgment (Doc. # 39) is DENIED; and

(3) Pursuant to Rule 56(g) of the Federal Rules of Civil Procedure, it is an undisputed material fact established in this action that the only contract in issue between Wausau and PMC is the April 21, 2020 Quote Confirmation.

BY THE COURT:

/s/ Harvey Bartle III

J.