

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

HAINES & KIBBLEHOUSE, INC. : CIVIL ACTION  
:   
v. :   
:   
BALFOUR BEATTY CONSTRUCTION, :   
INC. : NO. 08-5505

ORDER

AND NOW, this 1st day of June, 2011, upon consideration of defendant's amended motion to dismiss (docket entry # 29), plaintiff's response thereto (docket entry # 32), and defendant's reply (docket entry # 35), and each brief's exhibits, and in accordance with the accompanying Memorandum, it is hereby ORDERED that:

1. Defendant's motion to dismiss (docket entry # 29) is GRANTED;
2. Plaintiff's complaint is DISMISSED WITH PREJUDICE; and
3. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

\_\_\_\s\Stewart Dalzell

