

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

|                                 |   |                 |
|---------------------------------|---|-----------------|
| FABRAL, INC.,                   | ) |                 |
|                                 | ) | Civil Action    |
| Plaintiff                       | ) | No. 09-cv-00279 |
|                                 | ) |                 |
| vs.                             | ) |                 |
|                                 | ) |                 |
| B&B ROOFING COMPANY, INC.,      | ) |                 |
| doing business as B&B Roofing   | ) |                 |
| & Metals, Inc.;                 | ) |                 |
| B&B METALS OF MIDDLEBORO, INC., | ) |                 |
| doing business as B&B Roofing   | ) |                 |
| & Metals, Inc.;                 | ) |                 |
| B&B METALS, LLC,                | ) |                 |
| doing business as B&B Roofing   | ) |                 |
| & Metals, Inc.; and             | ) |                 |
| GARY M. BREWSTER,               | ) |                 |
|                                 | ) |                 |
| Defendants                      | ) |                 |

O R D E R

NOW, this 24th day of February, 2011, upon  
consideration of the following documents:

- (1) Plaintiff's Motion for Summary Judgment filed November 15, 2010;
- (2) Defendants' Response to Motion for Summary Judgment Filed by Fabral, Inc., which response was filed December 9, 2010; and
- (3) Plaintiff's Reply Brief in Support of Motion for Summary Judgment was filed January 4, 2011;

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment is granted in part, denied in part, and dismissed in part as moot.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment on Count I is granted to the extent it seeks

judgment in plaintiff's favor against defendants B&B Metals of Middlesboro, Inc. and B&B Metals, LLC.

IT IS FURTHER ORDERED that the motion is denied to the extent it seeks summary judgment on Count I against defendant B&B Roofing Company, Inc.

IT IS FURTHER ORDERED that on Count I, judgment is entered in favor of plaintiff Fabral, Inc. and against defendant B&B Metals, LLC on liability and compensatory damages only in the amount of \$1,039,822.37.

IT IS FURTHER ORDERED that on Count I, judgment is further entered in favor of plaintiff Fabral, Inc. and against defendant B&B Metals of Middlesboro, Inc. on liability and compensatory damages only in the amount of \$498,136.98.

IT IS FURTHER ORDERED that all other damages on Count I, including, if applicable, attorneys' fees and costs and interest, are reserved for trial or future hearing before the undersigned.

IT IS FURTHER ORDERED that on Count II, plaintiff's motion for summary judgment is granted.

IT IS FURTHER ORDERED that judgment on Count II is entered in favor of plaintiff Fabral, Inc. and against defendant Gary M. Brewster, in the amount of \$1,537,959.35 plus interest at the rate of twelve percent per annum or the maximum rate

permitted by law, whichever is less, from January 12, 2009 until paid in full.

IT IS FURTHER ORDERED that to the extent it seeks summary judgment in favor of plaintiff on defendants' counterclaims, Plaintiff's Motion for Summary Judgment is dismissed as moot.

IT IS FURTHER ORDERED that Count III set forth in plaintiff's Complaint is dismissed as moot.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge