

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

WHITEMAK ASSOCIATES and	:	
PENNSYLVANIA REAL ESTATE	:	
INVESTMENT TRUST,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 12-4338
	:	
OCB RESTAURANT COMPANY, LLC.,	:	
Defendant.	:	

ORDER

AND NOW, this 28th day of February 2013, upon consideration of Defendant's Motion to Dismiss (Doc. No. 5) and Plaintiff's Response thereto (Doc. No. 8), Defendant's Reply (Doc. No. 11), and Plaintiff's Surreply (Doc. No. 14), **IT IS HEREBY ORDERED** that Defendant's Motion is **DENIED**.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.