

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

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|---------------------------------------|---|--------------------------------------|
| NOVINGER'S, INC., | : | CIVIL ACTION NO. 1:18-CV-1145 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| A.J.D. CONSTRUCTION CO., INC., | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 26th day of March, 2021, upon consideration of plaintiff Novinger's Inc.'s ("Novinger's") motion (Doc. 56) for partial summary judgment as to Count One of its complaint and AJD's counterclaim, and defendant A.J.D. Construction Co., Inc.'s ("AJD") motion (Doc. 60) for partial summary judgment as to Counts One and Two of the complaint and its counterclaim, and the parties' respective briefs in support of and opposition to said motions, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Novinger's motion (Doc. 56) for partial summary judgment is DENIED.
2. AJD's motion (Doc. 60) for partial summary judgment is GRANTED only with respect to Count Two of Novinger's' complaint. It is otherwise DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania