

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,	:	
	:	
Plaintiff-Counterclaim Defendant	:	CIVIL ACTION NO. 3:07-CV-01600-ARC
	:	
v.	:	
	:	Judge A. Richard Caputo
LEACHCO, INC.,	:	
	:	
Defendant-Counterclaim Plaintiff/ Third Party Plaintiff	:	Filed Electronically
	:	
and	:	
	:	
JAMIE S. LEACH,	:	
	:	
Counterclaim Plaintiff/ Third Party Plaintiff	:	
	:	
v.	:	
	:	
JOHN M. KIEFER, JR.,	:	
	:	
Third Party Defendant	:	

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

NOW COMES, the Plaintiff-Counterclaim Defendant, BabyAge.com, Inc. (hereinafter “BabyAge”), by and through its attorney, Andrew J. Katsock, III, Esquire, and for this, its Motion for Partial Summary Judgment, pursuant to Fed. R. Civ. P. 56(b), would respectfully state and show as follows:

1. The allegations of the counterclaims of Defendant-Counterclaim Plaintiff, Leachco, Inc., and Counterclaim Plaintiff, Jamie S. Leach, taken together with the Court’s Memorandum Opinion of September 18, 2008, establish that there are no material facts in dispute, and BabyAge is entitled to judgment as a matter of law.

2. Attached hereto is a proposed Order for the Court's consideration.

WHEREFORE, it is respectfully moved that judgment be entered in favor of Plaintiff-Counterclaim Defendant, BabyAge.com, Inc., and against Defendant-Counterclaim Plaintiff, Leachco, Inc., and Counterclaim Plaintiff, Jamie S. Leach, on the counterclaims, that the counterclaims be dismissed with prejudice, and that Plaintiff-Counterclaim Defendant be awarded such other and additional relief as may be just and proper under the circumstances.

Respectfully submitted,

Date: October 7, 2008

/s/ Andrew J. Katsock, III, Esquire  
ANDREW J. KATSOCK, III, ESQUIRE  
Attorney I.D. 59011  
Attorney for Plaintiff-Counterclaim Defendant,  
BabyAge.com, Inc.

15 Sunrise Drive  
Wilkes-Barre, PA 18705  
Telephone & Facsimile No.: (570) 829-5884

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC.,	:	
	:	
Plaintiff-Counterclaim Defendant	:	CIVIL ACTION NO. 3:07-CV-01600-ARC
	:	
v.	:	
	:	Judge A. Richard Caputo
LEACHCO, INC.,	:	
	:	
Defendant-Counterclaim Plaintiff/ Third Party Plaintiff	:	Filed Electronically
	:	
and	:	
	:	
JAMIE S. LEACH,	:	
	:	
Counterclaim Plaintiff/ Third Party Plaintiff	:	
	:	
v.	:	
	:	
JOHN M. KIEFER, JR.,	:	
	:	
Third Party Defendant	:	

---

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration of the Motion for Partial Summary Judgment filed by the Plaintiff-Counterclaim Defendant, BabyAge.com, Inc., in the above-captioned matter, it is hereby,

ORDERED AND DECREED that said Motion for Partial Summary Judgment is granted. Accordingly, the counterclaims of Defendant-Counterclaim Plaintiff, Leachco, Inc., and Counterclaim Plaintiff, Jamie S. Leach, are hereby dismissed with prejudice.

BY THE COURT:

---

A. Richard Caputo  
United States District Judge