

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DYVEX INDUSTRIES, INC.,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil No. 12-CV-0979</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>AGILEX FLAVORS &amp; FRAGRANCES, INC., et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

Based on the foregoing memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion for summary judgment filed by Agilex defendants, (Doc. 106), based on spoliation of evidence by plaintiff Dyvex, is **GRANTED IN PART** and **DENIED IN PART**.
2. Agilex’s motion for summary judgment, (Doc. 106), is **DENIED** insofar as Agilex seeks the dismissal of Dyvex’s remaining claims.
3. Agilex’s motion for summary judgment, (Doc. 106), is **GRANTED** insofar as Agilex seeks an adverse jury instruction at trial regarding the spoliation inference.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: February 27, 2018**

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