

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DYVEX INDUSTRIES, INC., :

Plaintiff, :

v. :

AGILEX FLAVORS & :
FRAGRANCES, INC., et al., :

Civil No. 12-CV-0979

Defendants and :
Third Party Plaintiffs, :

(JUDGE MANNION)

v. :

BUSS, INC. & FRANK MANCHIO, :

Third Party Defendants :

ORDER

IT IS HEREBY ORDERED:

1. The motion to dismiss filed by third-party defendant Frank Manchio, (Doc. No. [17](#)), is **GRANTED IN ITS ENTIRETY**.
2. To the extent third-party plaintiffs intended to plead direct liability claims, the motion to dismiss those claims, (Doc. No. [17](#)), is **GRANTED**.
3. The motion to dismiss the indemnity claims, (Doc. No. [17](#)), is **GRANTED** because third-party plaintiffs concede to their dismissal.
4. The motion to dismiss the contribution claims, (Doc. No. [17](#)), is **GRANTED** with respect to the breach of contract and breach of

warranty claims because third-party plaintiffs concede to their dismissal.

5. The motion to dismiss the request for punitive damages, (Doc. No. [17](#)), is **GRANTED** as to all claims because the motion is unopposed in this regard.

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

DATE: August 26, 2013

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