

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
WILKES BARRE  
APR 05 2016

Per MS

EASTERN ROOFING  
SYSTEMS, INC.,  
Plaintiff,

NO.: 3:14-cv-00717

v.

(SAPORITO, M.J.)


SIMON PROPERTY GROUP,  
INC.,  
Defendant.

ORDER

AND NOW, this 5<sup>th</sup> day of April, 2016, upon consideration of the motion for partial summary judgment (Doc. 51) filed by the defendant, and in accordance with the accompanying memorandum, IT IS HEREBY ORDERED as follows:

1. The motion is **GRANTED in part and DENIED in part**;
2. The motion is **GRANTED** and the Clerk is directed to enter **JUDGMENT** in favor of the defendant and against the plaintiff with respect to Count II (unjust enrichment) and Count III (quantum meruit) of the complaint; and

3. The motion is **DENIED** with respect to Count I (breach of contract) of the complaint and the defendant's request for an award of attorney fees.

  
JOSEPH F. SAPORITO, JR.  
U.S. Magistrate Judge

Dated: April 5, 2016