

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CRESTWOOD MEMBRANES, INC., :  
 :  
 Plaintiff, :  
 v. : 3:15-CV-537  
 : (JUDGE MARIANI)  
 CONSTANT SERVICES, INC., :  
 :  
 Defendant. :

ORDER

AND NOW, THIS 22<sup>nd</sup> DAY OF MARCH, 2017, upon *de novo* review of  
Magistrate Judge Carlson's Report & Recommendation, (Doc. 96), **IT IS HEREBY**  
**ORDERED THAT:**

1. The Report & Recommendation ("R&R"), (Doc. 96), is **ADOPTED IN PART** as explained in the Court's accompanying Opinion and for the reasons discussed therein.
2. Defendants' Motion for Summary Judgment, (Doc. 56), is **GRANTED IN PART AND DENIED IN PART** as follows:
  - a. Summary Judgment is **GRANTED** with respect to Count III of Plaintiff's Complaint, (Doc. 1), for breach of warranty. The Clerk of the Court is directed to enter judgment **IN FAVOR** of the Defendant and **AGAINST** the Plaintiff on this claim.
  - b. In all other respects, Defendant's Motion for Summary Judgment is **DENIED**.

3. A telephone scheduling conference will be held on **Tuesday, April 4, 2017, at 3:45 p.m.** to schedule this case for trial. Counsel for Plaintiff is responsible for arranging the call to (570) 207-5750, and all parties should be ready to proceed before the undersigned is contacted.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line. The signature is stylized and cursive.

Robert D. Mariani  
United States District Judge