

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NITTANY NOVA AGGREGATES, LLC,	:	Case No. 4:16-CV-00120
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
WM CAPITAL PARTNERS, LLC and	:	
WM CAPITAL PARTNERS, XXXIX, LLC,;	:	
	:	
Defendants.	:	

ORDER

February 27, 2017

AND NOW, in accordance with the Memorandum of this same date, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff Nittany Nova Aggregates, LLC’s Emergency Motion for Temporary Restraining Order and for Preliminary Injunction (ECF No. 21) is **DENIED**. The proceeds from the online auction currently being held in the escrow account of defendant’s counsel may be released to Defendants;
2. Defendants WM Capital Partners, LLC and WM Capital Partners, XXXIX, LLC’s Motion for Involuntary Dismissal (ECF No. 24) is **DENIED**;

3. Plaintiff Nittany Nova Aggregates, LLC's Cross Motion for Leave to Amend Complaint Nunc Pro Tunc (ECF No. 31) is **GRANTED**.
4. Defendants are therefore directed to file a responsive pleading within twenty-one (21) days of the date of this Order.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge