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

HORVATH TOWERS III, LLC,

Plaintiff.

No. 4:16-CV-00421

(Judge Brann)

v.

ZONING HEARING BOARD OF MONTOURSVILLE BOROUGH,

Defendant.

ORDER

AND NOW, this 12th day of January 2018, in accordance with the

accompanying Memorandum Opinion, IT IS HEREBY ORDERED that:

- 1. Plaintiff's Motion for Summary Judgment, ECF No. 25, is **DENIED.**
- 2. Defendant's Motion for Summary Judgment, ECF No. 26, is

GRANTED.

 The Clerk of Court is directed to enter judgment in favor of the Defendant on Counts I and III of Plaintiff's Complaint, ECF No. 1, and close this case.

BY THE COURT:

s/Matthew W. Brann

Matthew W. Brann United States District Judge