

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

|   |   |                     |
|---|---|---------------------|
| <b>ANGELA WEAVER and DOMENICK SALVATORE,</b>        | ) |                     |
| <b>derivatively, as limited partner, on</b>         | ) | <b>2:02-cv-1719</b> |
| <b>behalf of AMD SOUTHFIELD MICHIGAN LIMITED</b>    | ) |                     |
| <b>PARTNERSHIP, a Michigan Limited Partnership,</b> | ) |                     |
| <b>Plaintiffs,</b>                                  | ) |                     |
| <b>v.</b>   | ) |                     |
|   | ) |                     |
| <b>MOBILE DIAGNOSTECH, INC., a Pennsylvania</b>     | ) |                     |
| <b>Corporation; MDX CORPORATION, a Pennsylvania</b> | ) |                     |
| <b>Corporation, A. JEROME DIGIACOBBE, JR. and</b>   | ) |                     |
| <b>CALVIN F. ZONTINE, and ALPHA</b>                 | ) |                     |
| <b>MEDICAL CONSULTANTS, INC.</b>                    | ) |                     |
| <b>Defendants.</b>                                  | ) |                     |
|   | ) |                     |

**ORDER OF COURT**

AND NOW, this 22<sup>ND</sup> day of August, 2014, upon consideration of the MOTION TO ENTER CONSENT JUDGMENTS (ECF NO. 375) filed by Angela Weaver and the response in opposition thereto filed by Defendants (ECF NO. 376), and it appearing that:

- A. This Court has retained jurisdiction to enforce the Settlement and Mutual Release Agreement of December 21, 2009 (“Settlement”). *See* Settlement §§ 7(e) and 20; ECF NO. 371 (Court approval of Settlement);
- B. Pursuant to the terms of the Settlement, Consent Judgments were entered in the Court of Common Pleas of Allegheny County, Pennsylvania in favor of Domenick Salvatore, Angela Weaver and Marcus & Shapira, LLP and against, inter alia, Mobile Diagnostech, Inc., MDX Corporation, A. Jerome DiGiacobbe, Jr. and Bonnie DiGiacobbe, his wife, and Calvin F. Zontine and Sandra Zontine, his wife (collectively, the “Co-Obligors”);
- C. The Co-Obligors have admitted that they are in default under the Settlement because they have failed to make the required Deferred Settlement Payments, despite notice of default and expiration of the cure period;
- D. The original amount of each Consent Judgment was \$7,000,000, but substantial payments have been made such that the outstanding balance due on each Consent Judgment as of April 25, 2014 was \$2,695,150.00, plus interest; and
- E. Plaintiffs are entitled to recover reasonable attorney fees pursuant to Settlement § 8;

NOW, THEREFORE, it is hereby **ORDERED, ADJUDGED and DECREED** that the MOTION TO ENTER CONSENT JUDGMENTS (ECF NO. 375) is **GRANTED**. Consent Judgments will be entered in favor of Domenick Salvatore, Angela Weaver and Marcus & Shapira, LLP and against Mobile Diagnostech, Inc., MDX Corporation, A. Jerome DiGiacobbe, Jr. and Bonnie DiGiacobbe, his wife, and Calvin F. Zontine and Sandra Zontine, his wife, in the amount of \$2,695,150.00 plus accrued and accruing interest and reasonable attorney fees.

On or before September 19, 2014 Plaintiffs shall file their reasonable attorney fee petition and a calculation of the total amount of the outstanding balance (including interest) as of October 1, 2014. Defendants shall file their response, if any, on or before September 29, 2014.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

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