

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

MARTIK BROTHERS, INC.,

Plaintiff,

08cv0083

**ELECTRONICALLY FILED**

v.

HUNTINGTON NATIONAL BANK,

Defendant.

**ORDER DENYING MOTION TO DISMISS NEGLIGENT  
MISREPRESENTATION CLAIM (DOC. NO. 108)**

The Court has carefully considered defendant Huntington National Bank's belated motion to dismiss plaintiff Martik Brother's claim of negligent misrepresentation on the grounds that, according to HNB, plaintiff's claim is barred by Pennsylvania's economic loss doctrine which prohibits recovery on a negligence claim which results solely in economic damages, and plaintiff's response thereto. The Court agrees with Martik Brothers that the economic loss doctrine is not applicable in this case. Accordingly,

AND NOW, this 3<sup>rd</sup> day of March, 2010, IT IS HEREBY ORDERED that defendant's Motion to Dismiss Negligent Misrepresentation Claim (Doc. No. 108) is DENIED.

SO ORDERED.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties