

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

ALARMAX DISTRIBUTORS, INC.,	)	2:14cv1527
Plaintiff,	)	Electronic Mail
	)	
v.	)	Judge David Stewart Cercone
	)	Chief Magistrate Judge Maureen P. Kelly
	)	
HONEYWELL INTERNATIONAL, INC.,	)	
Defendant.	)	Re: ECF No. 18

**MEMORANDUM ORDER**

AND NOW, this 9th day of June, 2015, after Plaintiff filed an action in the above-captioned case, and after Defendant filed a Motion to Dismiss, ECF No. 18, and after a Report and Recommendation was filed by the Chief United States Magistrate Judge giving the parties until May 21, 2015 to file written objections thereto, and upon consideration of the objections filed by Defendant, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (ECF No. 18) is GRANTED in part and DENIED in part. The Motion is GRANTED insofar as AlarMax bases its breach of contract claim on breaches of Section 5(f) of the Settlement Agreement or any of the identified sections of the Supply Agreement by Honeywell, and DENIED in all other respects.

s/ DAVID STEWART CERCONE  
David Stewart Cercone  
United States District Judge

cc: Honorable Maureen P. Kelly  
Chief United States Magistrate Judge  
Gretchen L. Jankowski, Esquire  
Wendelynn J. Newton, Esquire  
Mackenzie A. Baird, Esquire  
William C. MacLeod, Esquire  
Alison L. MacGregor, Esquire  
Sung W. Kim, Esquire  
William Pietragallo, II, Esquire

*(Via CM/ECF Electronic Mail)*