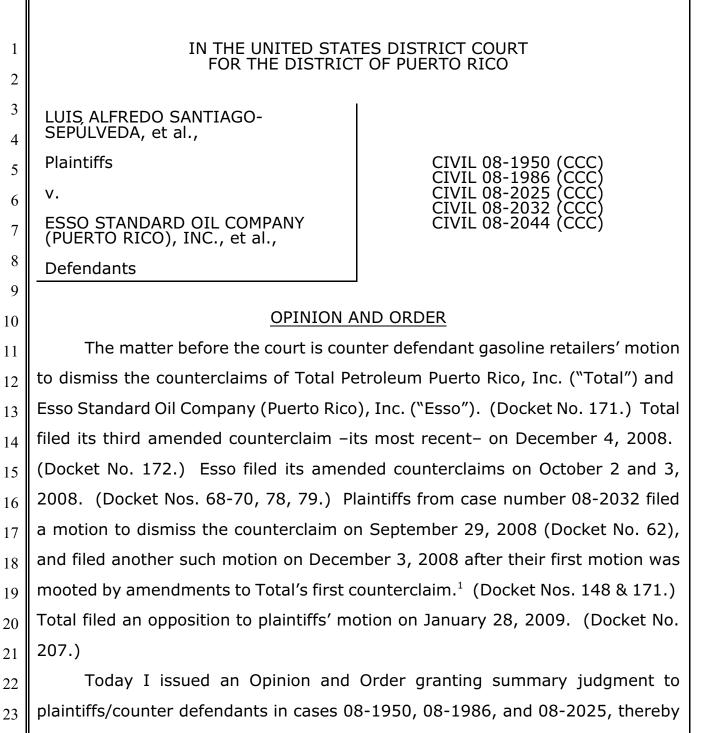
25



²⁴ dismissing all counterclaims outstanding against those parties that were brought

¹ I note that Total's third amended counterclaim was filed subsequent plaintiffs' second motion to dismiss. This most recent counterclaim was largely the same as the previous one, however, and only differed in its inclusion of two new claims for relief. Accordingly, there was no need for plaintiffs to submit a modified motion to dismiss, and all claims for relief of Total's most recent counterclaim are addressed herein.

1	CIVIL 08-1950 (CCC) CIVIL 08-1986 (CCC) CIVIL 08-2025 (CCC)
2	CIVIL 08-1986 (CCC)
2	CIVIL 08-2025 (CCC)
3	CIVIL 08-2032 (CCC)
4	CIVIL 08-2044 (CCC)

by Total and Esso. (Docket No. 228.) As the counter defendants from case 08-5 2032 did not join in the other counter defendants' motion for summary judgment, 6 they were not addressed in that Opinion and Order. They are nearly identically 7 situated, however, to counter defendants in 08-1986, in that Total was a named 8 defendant in their originally filed complaint (08-2032, Docket No. 1), and in that 9 they reached a franchise agreement prior to the franchise termination deadline 10 announced by Esso. (Docket No. 81.) Accordingly, I hereby incorporate, *mutatis* 11 *mutandis*, that portion of the summary judgment Opinion and Order addressing 12 counter defendants from case 08-1986. (Docket No. 228.) As the counter 13 defendants in case 08-1986 were entitled to dismissal of all counterclaims against 14 them, so too are the counter defendants of case 08-2032. 15

Accordingly, the counter defendants' motion is GRANTED and Total's and Esso's counterclaims are DISMISSED.

SO ORDERED.

18

19

20

21

22

23

24

25

26

27

28

29

At San Juan, Puerto Rico, this 25th day of February, 2009.

S/ JUSTO ARENAS Chief United States Magistrate Judge