

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

GATEWAY CENTER IV, L.C.,)
)
Plaintiff,)
)
v.)
)
COST PLUS, INC.,)
)
Defendant.)
_____)

Civil Action No. 1:10-cv-00063 (AJT/JFA)

ORDER

This matter is before the Court on the Motion for Partial Summary Judgment (Doc. No. 10) filed by Plaintiff Gateway Center IV, L.C. Upon consideration of the Motion, the opposition thereto, the arguments of counsel at the hearing held on this Motion on April 9, 2010, and for reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that the Motion for Partial Summary Judgment (Doc. No. 10) filed by Plaintiff Gateway Center IV, L.C. be, and the same hereby is, DENIED as to Count 1 of the Complaint (Doc. No. 1), and Count 1 of the Complaint (Doc. No. 1) be, and the same hereby is, DISMISSED as moot; and it is

FURTHER ORDERED that the Motion for Partial Summary Judgment (Doc. No. 10) filed by Plaintiff Gateway Center IV, L.C. be, and the same hereby is, GRANTED as to liability only on Count 2 of the Complaint (Doc. No. 1), and it is

FURTHER ORDERED that the stay with respect to discovery ordered orally by the Court following its hearing on April 9, 2010 be, and the same hereby is, vacated and the parties are directed to proceed with discovery with respect to the remaining issues in the case, as they deem appropriate, during the remaining discovery period.

The Clerk is directed to forward copies of this Order and the accompanying memorandum opinion to all counsel of record.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
April 15, 2010