



Belnick, Inc. v. TBB Global Logistics, Inc.

2015 | Cited 0 times | M.D. Pennsylvania | May 19, 2015

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA BELNICK, INC., : CIVIL ACTION NO. 1:13-CV-1298 Plaintiff & Counterclaim :
Defendant : (Chief Judge Conner) : v. : TBB GLOBAL LOGISTICS, INC., : Defendant &
Counterclaim : Plaintiff :

ORDER AND NOW, this 19th day of May, 2015, upon consideration of the thorough and comprehensive report (Doc. 97) of Chief Magistrate Judge Martin C. Carlson, recommending the court grant in part the motion (Doc. 66) for summary judgment the extent that Judge Carlson opines that the tort claims asserted by plaintiff and

counterclaim defendant Belnick, Inc. in their entirety

§ 14501(c)(1), but recommends the court deny Rule 56 motion, and further recommends that cross-motion for summary judgment (Doc. 62) in its entirety, wherein Judge Carlson exhaustively recounts the record evidence, identifying myriad and genuine disputes of material fact precluding the entry of summary judgment as to contractual and statutory claims, and the court noting that the parties have objected (Docs. 100, 102) 1

respectively that the record admits of no disputed facts, and that each is entitled to judgment on their various claims in their entireties, and, following an independent review of the record, the court being in agreement with recommendations, and concluding genuine disputes of material fact abound with respect to each of the remaining claims, and that the are without merit and squarely addressed by the report, and determining that the evidentiary record before the court is ill suited for summary adjudication, it is hereby ORDERED that:

1. The report (Doc. 97) of Chief Magistrate Judge Martin C. Carlson is

ADOPTED in its entirety. 2. The motion (Doc. 62) for summary judgment by plaintiff and counter

defe , is DENIED in its entirety. 3. The motion (Doc. 66) for summary judgment by defendant and counter

GRANTED to the II through IV of its amended complaint (Doc. 45) are preempted by the U.S.C. § 14501(c)(1), and DENIED in all other respects.



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1 the district court performs a de novo review of the contested portions of the report. , 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1998).

4. Entry of judgment pursuant to Paragraph 3 is DEFERRED pending

final resolution of this litigation. 5. The stay of pretrial and trial deadlines imposed by order (Doc. 95)

dated November 19, 2014, is hereby lifted. Both parties may file a reply brief in further support of their respective motions in limine (Docs. 85, 87) within fourteen (14) days of the date of this order. 6. A revised pretrial and trial scheduling order shall issue by future order

of the court.

/S/ CHRISTOPHER C. CONNER Christopher C. Conner, Chief Judge United States District Court
Middle District of Pennsylvania

