

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: : Chapter 11 Case No. 94 B 43517 (BRL)
: :
WEST PAN, INC., d/b/a PIZZA PIAZZA, : :
: :
Debtor, : :
: :
----- : :
WEST PAN, INC., : :
: :
Plaintiff, : Adv. Pro.: 95-1415 (AJG)
: :
-vs.- : :
: :
MARTHA PERRY, ALVIN TRENK, PIZZA : **ORDER DISMISSING WEST PAN,**
PIAZZA, INC., PIZZA PIAZZA OF NEW : **INC.'S TORTIOUS INTERFERENCE**
JERSEY, INC., PIAZZA MIA, INC., : **COMPLAINT AND DENYING AWARD**
TECHTRON, INC., and PIZZA PIAZZA OF : **OF COMPENSATORY OR PUNITIVE**
NEW YORK, INC., : **DAMAGES**
: :
Defendants. : :
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Upon consideration of Amended Cross Motion to Dismiss Complaint filed by defendants, Martha Perry, Pizza Piazza, Inc., and Alvin S. Trenk, in the above-captioned matter, and the Court being satisfied as set forth by the Court on the record on December 14, 2005, a copy of the transcript attached hereto as Exhibit A, that the plaintiff has failed to prove the elements of a claim for tortious interference with contract; it is hereby

ORDERED, that the Motion be and hereby is **GRANTED**; and it is further

ORDERED, that West Pan Inc.'s complaint against Martha Perry Feldman and Alvin S. Trenk be and hereby is dismissed with prejudice; and it is further

ORDERED, that a true copy of this order be served upon all Counsel within 10 days of the date hereof.

Dated: January 31, 2006

s/Arthur J. Gonzalez
Arthur J. Gonzalez, USBJ