

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**UNITED STATES OF AMERICA** )  
**ex rel. TENNESSEE VALLEY MARBLE** )  
**HOLDING COMPANY,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**GRUNLEY CONSTRUCTION, et al.,** )  
 )  
 )  
**Defendants.** )  

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**Civil Action No. 04-1616 (RCL)**

**ORDER**

Upon consideration of defendant Atlantic's Motion [44] for Partial Summary Judgment, plaintiff's Motion for Discovery Sanctions, [45] plaintiff's Motion to Strike [48], and plaintiff's Motion for Partial Summary Judgment [51], the oppositions and replies thereto, the record herein and for good cause shown, it is hereby

ORDERED that defendant Atlantic's Motion [44] for Partial Summary Judgment is GRANTED on Count III against plaintiff and therefore the plaintiff is not entitled to its claims for damages under Count III; it is further

ORDERED that plaintiff's Motion [45] for Discovery Sanctions is DENIED; it is further

ORDERED that defendant Atlantic's Motion [46] to Dismiss is DENIED as moot; it is further

ORDERED the plaintiff's Motion [48] to Strike is DENIED; it is further

ORDERED that plaintiff's Motion [51] for Partial Summary Judgment is GRANTED IN PART and DENIED IN PART. The motion is GRANTED only as to Count IV against

defendant Grunley and therefore a valid and enforceable contract exists between TVM and Grunley. The motion is DENIED as to Counts I and II.

SO ORDERED.

Signed by Royce C. Lamberth, United States District Judge, May 17, 2006.