

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EYE ON DETROIT, L.L.C.,  
a Michigan limited liability company,

Plaintiff,

v.

Judge: John Corbett O'Meara  
Case No. 5:05 CV 60277

THE HOME DEPOT, INC.,  
a Delaware corporation;  
HOME DEPOT U.S.A., INC.,  
a Delaware corporation;  
jointly and severally,

Defendants.

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**ORDER GRANTING MOTION OF DEFENDANTS  
FOR SUMMARY JUDGMENT ON COUNTS I-IV AND DENYING  
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants having filed their Motion for Partial Summary Judgment on Counts I-IV and supporting papers; Plaintiff having filed papers in opposition to the summary judgment motion; Plaintiff having filed its Motion for Partial Summary Judgment as to Liability Under Count I and supporting papers; Defendants having filed papers in opposition to this motion; a hearing on the foregoing motions having been held by this Court; and this Court being otherwise fully advised in the premises; it is hereby

ORDERED, that the motion of Defendants for summary judgment hereby is granted and Counts I, II, III and IV of Plaintiff's Complaint are dismissed from this case; and it is further

ORDERED, that Plaintiff's Motion for Partial Summary Judgment hereby is denied.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: June 5, 2006

Approved as to form:

ISHBIA & GAGLEARD, P.C.

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## CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **David N. Zacks, Esq.**

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