## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

3D GLOBAL SOLUTIONS, INC.,

Plaintiff,

v.

Civil Action No. 06-722 (GK)

MVM, INC.,

Defendant.

Defendant.

## ORDER

Plaintiff 3D Global Solutions, Inc. ("3D") brings this action against Defendant MVM, Inc. ("MVM") for breach of contract (Count I), promissory estoppel (Count II), intentional misrepresentation (Count III), constructive fraud (Count IV), concealment (Count V), interference with business advantage (Count VI), unjust enrichment (Count VII), and conversion (Count VIII) arising from a commercial dispute between the parties.

This matter is before the Court on MVM's Motion for Partial Summary Judgment pursuant to Fed. R. Civ. P. 56 as to Count I [Dkt. No. 6] and MVM's Motion to Dismiss Counts II through VIII of the First Amended Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) [Dkt. No. 28]. Upon consideration of the Motions, Oppositions, Replies, and the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that MVM's Motion for Partial Summary Judgment as to Count I [Dkt. No. 6] is denied and its Motion to Dismiss [Dkt. No. 28] is granted as to Counts II through V and VII through VIII and denied as to Count VI; 3D's Motion for Summary Judgment [Dkt. No. 50] is denied; it is further

ORDERED that Counts II, V, VII, and VIII are dismissed with prejudice. Counts III and IV are dismissed without prejudice.

Thus, only Counts I and VI now remain; it is further

ORDERED that 3D shall have ten days from the date of this Order to file a Second Amended Complaint pleading fraud and constructive fraud (Counts III and IV) with the particularity required by Fed. R. Civ. P. 9(b); it is further

ORDERED that the pretrial conference scheduled for June 10, 2008 at 4:15 is hereby cancelled; it is further

ORDERED that a status conference shall be held on June 2, 2008 at 10:00 a.m.

May 12, 2008

Gladys Kessler
United States District Judge

Copies to: Attorneys of record via ECF