UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CDS, INC., Plaintiff, v. KARNDEAN INTERNATIONAL, LLC d/b/a KARNDEAN DESIGNFLOORING Defendant.	)	C.A. No. 15-cv-148-M-PAS

ORDER

The Defendant Karndean International, LLC moved for summary judgment (ECF No. 22) against Plaintiff CDS, Inc., in this dispute between flooring distributors. The Court referred the motion to Magistrate Judge Patricia A. Sullivan who issued a Report and Recommendation (ECF No. 35) recommending that the Court grant the motion as to all of the Plaintiff's claims against the Defendant and grant in part and deny in part the Defendant's counterclaims.

The Court has reviewed all of the filings and evidence submitted in this matter as well as the Magistrate Judge's R&R, and concludes that the Court should GRANT Defendant Karndean's Motion for Summary Judgment for the reasons stated in the R&R.

The evidence before the Court establishes that there are no genuine issue of material facts and that undisputed evidence does not support any of the Plaintiff's four counts. In summary, as to the count for tortious interference, the Plaintiff has failed to show any legal malice, improper purpose, or wrongful methods by the

Defendant in its dealings with the Plaintiff sufficient to form a claim for tortious interference. As to the Massachusetts Gen. Laws ch. 93A claim, the Plaintiff has not proven the proper nexus between the actions of the Defendant and the Commonwealth of Massachusetts. On the unjust enrichment claim, there is no evidence that any enrichment to the Defendant was unjust. Finally, as to the breach of fiduciary duty claim, there is not sufficient evidence for a finding that a fiduciary duty existed between the parties.

As to the Defendant's Motion for Summary Judgment on its counterclaim for the costs of floor tiles and attorney fees, the Magistrate Judge recommends granting summary judgment as to liability for the $181,995 bill for the tiles but denying it as to the amount to damages owed and the amount to attorneys' fees and interest. The Court agrees with the Magistrate Judge for the reasons set forth in her R&R.

Therefore, Defendant Karndean International, LLC's Motion for Summary Judgment on all of Plaintiff's counts (ECF No. 22) is GRANTED and Defendant Karndean's Motion for Summary Judgment as to its counterclaims is GRANTED IN PART and DENIED AND PART as set forth in the R&R .

IT IS SO ORDERED.

John J. McConnell, Jr.
United States District Judge

April 14, 2017