statutory liability on account of the landfills as of the closing date of the 1988 Purchase Agreement (or as of the closing date of the 1989 Purchase Agreement), nor can Plaintiff establish that it suffered losses because of any non-compliance or because of a claim or allegation of non-compliance Consequently, the Court grants defendant Whitman summary judgment as to count II of Plaintiffs' amended complaint

Conclusion

For the reasons set forth above, the Court grants Defendants' motion for summary judgment and denies Plaintiffs' motion for summary judgment The Court denies as moot all other pending motions The Court orders this case closed and directs the Clerk of Court to remove it from the Court's active docket

SO ORDERED

2002 WL 1203836 (S D N Y )

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