

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

JOHN DeGROOTE SERVICES, LLC, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 F. EDWIN HARBACH, et al.,)
)
 Defendants.)

Case No.: CL-2011-10612

DEFENDANT F. EDWIN HARBACH'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Defendant F. Edwin Harbach ("Mr. Harbach"), by counsel, and moves this Court for summary judgment on all counts of the Complaint filed against him by Plaintiffs. In support of this motion as to Counts I and II, Mr. Harbach incorporates by reference the Brief in Support of Former Outside Director Defendants' Motion for Summary Judgment Regarding Counts I-III. In support of this motion as to Count IV, Mr. Harbach incorporates by reference his Memorandum in Support of Defendant Harbach's Motion for Summary Judgment as to Count IV of the Complaint.

WHEREFORE, Defendant F. Edwin Harbach respectfully requests that this Court grant his motion for summary judgment and dismiss Counts I, II, and IV of the Complaint filed by Plaintiffs with prejudice and to award him any further relief the Court deems just and proper.

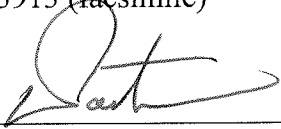
Respectfully submitted,

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By Counsel

Date: February 8, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of February 2013, a true copy of the foregoing was sent by email (as agreed by the parties) and mailed, first class, postage prepaid to:

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