

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**BENNETT MARINE, INC.,**  
*Plaintiff-Cross Appellant,*

v.

**LENCO MARINE, INC. AND  
RICHARD DEVITO, JR.,**  
*Defendants-Appellants,*

AND

**RINKER BOAT COMPANY AND  
KIM SLOCUM,**  
*Defendants.*

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2012-1336, -1354

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Appeals from the United States District Court for the  
Southern District of Florida in case no. 04-CV-60326,  
Judge Kenneth A. Marra.

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**ON MOTION**

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**ORDER**

Bennett Marine, Inc., Kim Slocum, and Rinker Boat Company move to dismiss the cross-appeal with regard to Rinker Boat Company and Kim Slocum.

The court does not dismiss a portion of a pending appeal or cross-appeal. Instead the official caption is modified to indicate a party's status. Currently the official caption reflects that Rinker Boat Company and Kim Slocum are not participants in either the appeal or the cross-appeal. Rather, they are listed simply as defendants from the proceedings below

Accordingly,

IT IS ORDERED THAT:

The motion is denied as moot.

FOR THE COURT

JUN 14 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Eric C. Christu, Esq.  
James A. Gale, Esq.

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**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

**JUN 14 2012**

**JAN HORBALY**  
**CLERK**