

NOT RECOMMENDED FOR PUBLICATION  
File Name: 11a0832n.06

No. 10-3562

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
*Dec 12, 2011*  
LEONARD GREEN, Clerk

CORPORATE COMMUNICATION )  
SERVICES OF DAYTON LLC., )  
 )  
Plaintiff-Appellant, )  
 )  
v. )  
 )  
MCI COMMUNICATIONS SERVICES )  
INC. D/B/A VERIZON BUSINESS )  
SERVICES, )  
 )  
Defendant-Appellee. )

ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO

**Before: MARTIN and GIBBONS, Circuit Judges; and STEEH, District Judge\***

**PER CURIAM.** Plaintiff Corporate Communication Services of Dayton LLC appeals the district court’s order denying its motion for partial summary judgment and granting in part defendant MCI Communications Services Inc.’s motion for summary judgment. Plaintiff also appeals the district court’s pre-trial order excluding plaintiff’s expert witness and precluding plaintiff from conducting additional discovery, as well as the court’s exclusion of testimony about damages offered by plaintiff at trial, and the granting of defendant’s motion for judgment as a matter of law. Plaintiff brought this case against defendant to recover commissions allegedly due on sales made pursuant to the parties’ written agreements. In granting defendant partial summary judgment, the district court held that the agreements unambiguously required plaintiff

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\* The Honorable George Caram Steeh, United States District Court Judge for the Eastern District of Michigan, sitting by designation.

to submit orders to be due a commission. Plaintiff admitted that it did not submit any orders on behalf of the particular customer at issue.

After hearing oral argument and reviewing the record, the parties' briefs, and the applicable law, this court determines that no jurisprudential purpose would be served by a panel opinion and **AFFIRMS** the district court's decision on these issues for the reasons well stated by the Honorable Thomas M. Rose in his opinion and order issued November 9, 2009, as well as the December 4, 2009 order granting defendant's motion in limine, and the April 16, 2010 judgment as a matter of law.