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11 **UNITED STATES DISTRICT COURT**  
 12 **IN AND FOR THE DISTRICT OF ARIZONA**

13 SOILWORKS, LLC, an Arizona  
 14 corporation,

15 Plaintiff / Counterdefendant /  
 16 Counterclaimant,

17 v.

18 MIDWEST INDUSTRIAL SUPPLY, INC.,  
 19 an Ohio corporation authorized to do  
 20 business in Arizona,

21 Defendant / Counterclaimant /  
 22 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**SOILWORKS, LLC’S RESPONSE TO  
 MIDWEST INDUSTRIAL SUPPLY,  
 INC.’S MOTION *IN LIMINE* (DOC.  
 #106) TO BAR TESTIMONY AND  
 EVIDENCE REGARDING THE  
 COMPOSITION OF DURASOIL AND  
 PLAINTIFF’S OTHER PRODUCTS**

(Before the Honorable David G. Campbell)

23 Midwest’s Motion *in Limine* seeking to bar Soilworks from introducing evidence or  
 24 testimony regarding the composition of Durasoil and Plaintiff’s other products (“Motion”)  
 25 misstates the record of disclosure and discovery which has taken place in this case. In  
 26 addition to the list of ingredients which Soilworks provided to Midwest, Soilworks also  
 27 produced an actual sample of the Durasoil product. Multiple copies of Material Safety Data  
 28 Sheets with respect to the Durasoil products have been provided to Midwest.

In response to Midwest’s request for production of documents, Midwest was given  
 carte blanche access to every document and piece of paper within the files at Soilworks at  
 Soilworks’ only place of business. Midwest took advantage of this access and copied each  
 and every document provided. After having received the documents and the product sample,  
 Midwest took deposition testimony from Soilworks pursuant to Rule 30(b)(6) of the Federal



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**CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2008, the foregoing **SOILWORKS, LLC'S RESPONSE TO MIDWEST'S MOTION *IN LIMINE* TO BAR TESTIMONY AND EVIDENCE REGARDING THE COMPOSITION OF DURASOIL AND PLAINTIFF'S OTHER PRODUCTS** was filed electronically. Notice of this filing will be sent to all parties by operations of the Court's electronic filing system. Parties may access this filing through the Court's system.

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/s Amy S. Fletcher  
Amy S. Fletcher