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7 **UNITED STATES DISTRICT COURT**
 8 **IN AND FOR THE DISTRICT OF ARIZONA**

9 SOILWORKS, LLC, an Arizona
 10 corporation,

11 Plaintiff / Counterdefendant /
 12 Counterclaimant,

13 v.

14 MIDWEST INDUSTRIAL SUPPLY, INC.,
 an Ohio corporation authorized to do
 business in Arizona,

15 Defendant / Counterclaimant /
 16 Counterdefendant.

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

**SOILWORKS, LLC'S RESPONSE TO
 MIDWEST INDUSTRIAL SUPPLY,
 INC.'S MOTION *IN LIMINE* (DOC.
 #107) TO BAR TESTIMONY AND
 EVIDENCE OF LIABILITY
 INSURANCE**

(Before the Honorable David G. Campbell)

17 At no time during the course of this litigation has Soilworks indicated a desire or
 18 intent to offer into evidence or refer to the fact of Midwest's ownership of a policy of
 19 liability insurance which covers claims asserted by Soilworks. Midwest's Motion *in Limine*
 20 is therefore unnecessary. Soilworks has no intention of introducing such evidence.

21 Dated this 24th day of September, 2008.

22 KUTAK ROCK LLP

23
 24 By _____ /s E. Scott Dosek
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