

1 **FOLEY & LARDNER LLP**  
 LEILA NOURANI CA Bar No. 163336  
 lnourani@foley.com  
 2 MICHAEL S. LAWRENCE, CA Bar No. 255897  
 mlawrence@foley.com  
 3 ATTORNEYS AT LAW  
 555 SOUTH FLOWER STREET, SUITE 3500  
 LOS ANGELES, CA 90071-2411  
 4 TELEPHONE: 213.972.4500  
 FACSIMILE: 213.486.0065

5 **OF COUNSEL:**  
**FOLEY & LARDNER LLP**  
 6 BRIAN W. MCGRATH WI Bar No. 1016840 (*admitted pro hac vice*)  
 KATHERINE D. SPITZ WI Bar No. 1066375 (*admitted pro hac vice*)  
 ATTORNEYS AT LAW  
 7 777 EAST WISCONSIN AVENUE  
 MILWAUKEE, WI 53202-5306  
 8 TELEPHONE: 414.271.2400  
 FACSIMILE: 414.297.4900

9 Attorneys for Defendants Everpure, Inc.; Everpure, LLC; Pentair Residential Filtration,  
 LLC; Pentair, Inc.; Gerard McKeown; Mike Madsen and Debra Barton

10 **UNITED STATES DISTRICT COURT**  
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 WATER, INC., a California Corporation

13 Plaintiff,

14 v.

15 EVERPURE, INC.; EVERPURE, LLC;  
 16 PENTAIR RESIDENTIAL  
 FILTRATION, LLC; PENTAIR, INC.;  
 17 PURCELL MURRAY COMPANY,  
 INC.; GERARD MCKEOWN; MIKE  
 18 MADSEN; DEBRA BARTON; and  
 Does 1 to 10, Inclusive

19 Defendants.

20  
 21 **EVERPURE, LLC; PENTAIR  
 RESIDENTIAL FILTRATION, LLC.**

22 Counterclaimants,

23 vs.

24 WATER, INC., a California Corporation  
 25 CounterDefendant.

Case No: CV09-03389 ABC(SSx)

**[PROPOSED] JUDGMENT  
 DISMISSING WATER, INC.'S  
 CLAIMS**

Order Date: December 20, 2011  
 Judge: Hon. Audrey B. Collins  
 Mag. Judge: Hon. Suzanne Segal

Date Complaint Filed: May 13, 2009  
 Discovery Cut-off Date: August 1, 2011  
 Pretrial Conference: January 9, 2012  
 Trial: January 24, 2012

1 Having considered the Motions for Summary Judgment and Judgment on the  
2 Pleadings (the “Motions”) filed by Defendants Everpure, Inc., Everpure, LLC;  
3 Pentair Residential Filtration, LLC, Pentair, Inc., Gerard McKeown, Mike Madsen  
4 and Debra Barton (“Everpure Defendants”) [Dkt. No. 167] and Purcell Murray  
5 Company, Inc. (“Purcell Murray”) [Dkt. No. 175] (all defendants collectively  
6 referenced as “Defendants”), and having considered the Parties’ briefing,  
7 evidentiary objections, and other submissions relating to those Motions, as well as  
8 oral argument presented by counsel at the December 19, 2011 hearing on the  
9 Motions, the Court has reached the following decision, the grounds for which are  
10 fully set forth in the December 20, 2011 Order Granting Defendants’ Motions for  
11 Summary Judgment and Judgment on the Pleadings [Dkt. No. 242]:

12 It is ordered that summary judgment is granted in Defendants’ favor, that  
13 Plaintiff Water, Inc. recover nothing, that all of its claims against Defendants be  
14 dismissed on the merits, and that Defendants recover their costs at the conclusion  
15 of this action. This judgment, awarded pursuant to Fed. R. Civ. P. 56(a), is not a  
16 final judgment because it does not dispose of Everpure, LLC’s and Pentair  
17 Residential Filtration LLC’s counterclaims against Water, Inc. which remain  
18 pending.

19 **IT IS SO ORDERED.**

20  
21 DATE: JAN. 3, 2012 \_\_\_\_\_

  
\_\_\_\_\_  
22 HON. AUDREY B. COLLINS