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6 **Attorneys for Defendant Cott Beverages**  
**Inc.**

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10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF CALIFORNIA**  
 12 **(FRESNO DIVISION)**

13 THE CITRI-LITE COMPANY, INC., a  
 14 California corporation,  
 15 Plaintiff,  
 16 v.  
 17 COTT BEVERAGES, INC., DBA  
 COTT BEVERAGES U.S.A., a Georgia  
 18 corporation, and Does 1-25,  
 19 Defendants.

CASE NO. 1:07-CV-01075-OWW-JLT

**ORDER ON COTT BEVERAGES,  
 INC.'S MOTION *IN LIMINE* TO  
 STRIKE EXPERT OPINIONS OF  
 THOMAS NECHES**

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Defendant Cott Beverages Inc. (“Cott”)’s motion *in limine* to exclude the opinions of Mr. Thomas Neches as to purported “lost goodwill” damages of Citri-Lite beyond 2005, including his “upper bound” damages projections, came on for hearing on April 14, 2011. Cott was represented by Gregory A. Ellis, Esq., and Plaintiff The Citri-Lite Company, Inc. was represented by David J. Cooper, Esq. and James M. Duncan, Esq.

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FINAL Proposed Order on Motion in Limine re Neches Opinions (2).DOC

**ORDER ON COTT BEVERAGES, INC.'S MOTION *IN LIMINE* TO STRIKE  
 EXPERT OPINIONS OF THOMAS NECHES**

1 After reviewing the parties' brief, and hearing the arguments of counsel, the  
2 Court DENIES Cott's motion; Citri-Lite will be able to present Mr. Neches'  
3 opinions at trial, and Cott will be able to cross-examine Mr. Neches regarding his  
4 methodologies and the factual bases for his opinions at that time. At the hearing, the  
5 parties further stipulated that Citri-Lite will not seek any incremental "lost  
6 goodwill" value of Citri-Lite, as a company, as damages at trial.

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8 IT IS SO ORDERED.

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10 Dated: May 2, 2011

/s/ OLIVER W. WANGER

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United States District Judge

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**ORDER ON COTT BEVERAGES, INC.'S MOTION *IN LIMINE* TO STRIKE  
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