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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PARAMOUNT FARMS, INC.,
Plaintiff,

CASE NO. CV F 08-1027 LJO SKO

**ORDER ON DEFENDANT’S MOTION TO
STRIKE DECLARATION**
(Doc. 124.)

vs.

VENTILEX, B.V.,
Defendant.

Defendant Ventilex B.V. (“Ventilex BV”) seeks to strike the December 6, 2010 declaration with exhibits (collectively “declaration”) of Christopher Van Gundy, counsel for plaintiff Paramount Farms, Inc. (“Paramount Farms”). This Court construes the declaration as Paramount Farms’ attempt to establish an appellate record, not to burden or prejudice this Court or Ventilex BV. Paramount Farms does not seek to add to the trial record or to request a post-trial substantive ruling. Paramount Farms is entitled to create an appellate record which the appellate court may address. Ventilex BV demonstrates no harm from the declaration’s filing and no grounds to strike the declaration. As such, this Court DENIES Ventilex BV’s motion to strike.

IT IS SO ORDERED.

Dated: December 13, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE