

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MMCA GROUP, LTD,
Plaintiff,

v.

HEWLETT-PACKARD COMPANY, et al.,
Defendants

No. C-06-7067 MMC

ORDER GRANTING IN PART AND DENYING IN PART HP'S MOTION TO EXCLUDE THE TESTIMONY OF PLAINTIFF MMCA GROUP LTD'S DAMAGES EXPERT, RANDY SUGARMAN

Before the Court is defendant Hewlett-Packard Company's ("HP") "Motion to Exclude the Testimony of Plaintiff MMCA Group, LTD.'s Damages Expert, Randy Sugarman ["Sugarman"]," filed January 15, 2010, in which defendant PICA Corp. ("PICA") has joined. Plaintiff MMCA Group, LTD. ("MMCA"), has filed opposition to the motion as well as to PICA's joinder thereto; HP and PICA have filed separate replies. The matter came on regularly for hearing on February 12, 2010. Samuel Liversidge of Gibson, Dunn & Crutcher, LLP and William Abrams of Bingham McCutchen, LLP appeared on behalf of HP. Frederick Geonetta and Kenneth Frucht of Geonetta & Frucht, LLP appeared on behalf of MMCA. Gregory H. Melick of Luper Neidenthal & Logan appeared on behalf of PICA.

Having considered the papers filed in support of and in opposition to the motions, as well as the arguments of counsel, and for the reasons stated on the record at the hearing, the Court rules as follows:

- 1. To the extent HP seeks to exclude Sugarman's expert testimony on the subject of

1 HP's unjust enrichment, the motion is hereby GRANTED,

2 2. To the extent PICA seeks to exclude Sugarman's expert testimony on the subject
3 of PICA's unjust enrichment, the motion is hereby DENIED;

4 3. To the extent HP and PICA seek to exclude Sugarman's expert testimony on the
5 subject of MMCA's lost profits, the motion is hereby DENIED, with the exception that both
6 defendants are granted a protective order as to any method of valuation not contained in
7 Sugarman's expert report.

8

9 **IT IS SO ORDERED.**

10

11

Dated: February 12, 2010

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28


MAKIME M. CHESNEY
United States District Judge