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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 SEMICONDUCTOR COMPONENTS
INDUSTRIES, L.L.C.,

9 Plaintiff,

10 v.

11 I2A TECHNOLOGIES, INC., and
12 VICTOR BATINOVICH,13 Defendants.
14

NO. C10-0603 TEH

ORDER RE: PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

15 Plaintiff's motion for summary judgment has been fully briefed and is currently
16 scheduled for hearing on November 29, 2010. Defendants' opposition conceded "that
17 Plaintiff incorrectly transferred \$613,649.46 to I2A"; that "I2A has at all times pledged to
18 return the funds with interest"; and "that not all of the funds have been returned." Opp'n
19 at 1. However, Defendants challenged Plaintiff's calculation of interest and off-sets to the
20 amount due. Defendants also argued that Plaintiff's motion was an improper motion for
21 summary judgment because Plaintiff's pursuit of punitive damages rendered it impossible for
22 judgment to be entered on any of Plaintiff's claims.

23 In reply, Plaintiff agreed to all of the calculations used by Defendants and further
24 agreed to abandon its claims for punitive and exemplary damages. Thus, it appears that oral
25 argument is unnecessary because there appears to be no dispute that judgment should be
26 entered for Plaintiff in the amount of \$351,820.15.

27 Any party that would like a further opportunity to address the Court before judgment
28 is entered shall file a request for oral argument on or before **November 23, 2010**. If no party

1 files such a request, then the November 29, 2010 motion hearing will be vacated and
2 judgment will be entered.

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4 **IT IS SO ORDERED.**

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6 Dated: 11/18/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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