

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**SOUTHEASTERN MECHANICAL
SERVICES, INC.,**

Plaintiff,

v.

Case No. 8:08-cv-1151-T-30EAJ

NORMAN BRODY, et al.,

Defendants.

ORDER

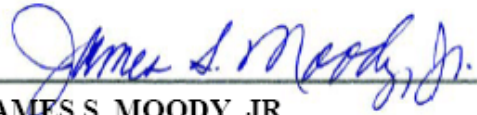
THIS CAUSE comes before the Court upon the Plaintiff's Renewed Motion for Contempt (Dkt. 348) and the Individual¹ Defendants' response(Dkt. 367), the Corporate Defendants' Motion in Limine to Exclude References to Certain Business Communication Training Sessions (Dkt. 352) and Plaintiff's response(Dkt. 373), the Corporate Defendants' Motion for Miscellaneous Relief, Specifically to Reduce Plaintiff's Confidentiality Designations (Dkt. 354) and Plaintiff's response (Dkt. 377), Defendants' Motion for Trial Date Certain (Dkt. 355) and Plaintiff's response (Dkt. 358), the Corporate Defendant's Motion to Bifurcate the Trial (Dkt. 376), and Defendant TEI Construction Services' Motion for Clarification (Dkt. 375). The pretrial hearing was held on September 2, 2009, during

¹ Defendants Norman Brody, James Sherouse, and Kevin Smith will be referred to as "the Individual Defendants." Defendants TEI Construction Services, Babcock Power Services, Inc. and Theodore Maliszewski will be referred to as "the Corporate Defendants."

which these motions were addressed. For the reasons stated during the hearing, it is ORDERED AND ADJUDGED that:

1. Plaintiff's Renewed Motion for Contempt (Dkt. 348) is **DENIED**.
2. The Corporate Defendants' Motion in Limine to Exclude References to Certain Business Communication Training Sessions (Dkt. 352) is **GRANTED**.
3. The Corporate Defendants' Motion for Miscellaneous Relief, Specifically to Reduce Plaintiff's Confidentiality Designations (Dkt. 354) is **GRANTED** in part. Defendants may review deposition testimony given by any Defense witnesses and parties and any document used during the preliminary injunction hearing held on June 27, 2008. Plaintiff's counsel has ten (10) days to re-designate other documents as attorneys' eyes only.
4. Defendants' Motion for Trial Date Certain (Dkt. 355) is **GRANTED**.
5. The Corporate Defendant's Motion to Bifurcate the Trial (Dkt. 376) is **DENIED**.
6. Defendant TEI Construction Services' Motion for Clarification (Dkt. 375) is **GRANTED**. Defendant TEI's request for Summary Judgment is denied as to Count XI.

DONE and **ORDERED** in Tampa, Florida on September 3, 2009.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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