

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

METH LAB CLEANUP, LLC,

Plaintiff,

v.

Case No: 8:14-cv-3129-T-30TBM

SPAULDING DECON, LLC and
LAURA SPAULDING,

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiff/Counter-Defendant Meth Lab Cleanup, LLC's Motion for Reconsideration (Dkt. 79). The motion asks the Court to reconsider a July 23, 2015 order that granted Meth Lab Cleanup partial summary judgment. In that order, the Court held that Defendants' use of the phrase "Meth Lab Cleanup"—so spelled and capitalized—was a violation of a settlement agreement the parties had previously entered into. The Court also held that the phrase "meth lab cleanup"—so spelled and capitalized—did not violate the parties' agreement.

Now Meth Lab Cleanup, LLC argues that the parties' settlement agreement, and this Court's summary judgment order, relied on misrepresentations made by Defendant Laura Spaulding regarding the presence of the phrase "meth lab cleanup" on Defendants' website. To support its contention that Defendant Spaulding made these misrepresentations, Plaintiff relies on an internet archive service, known as the "Wayback Machine," and

screen shots and website data the Machine captured from May of 2011. The data collected, Meth Lab Cleanup argues, proves that Defendant Spaulding made misrepresentations that warrant reconsideration of the Court's previous order.

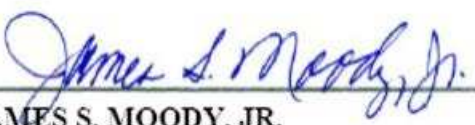
This argument fails. Assuming the "Wayback Machine" is accurate, and that its data capture of May 2011 supports Meth Lab Cleanup's much broader contention about Defendant Spaulding's misrepresentations, the Court in its summary judgment order did not rely on Defendant Spaulding's assertions about the presence or absence of a phrase on a website, but on what the parties *agreed* was on that website. The agreement still controls.

The Court has examined the motion and the relevant evidence and law. The motion will be denied.

ORDERED AND ADJUDGED that:

1. Plaintiff/Counter-Defendant Meth Lab Cleanup, LLC's Motion for Reconsideration (Dkt. 79) is DENIED.

DONE and **ORDERED** in Tampa, Florida, this 9th day of February, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record