

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

THE BARTRAM, LLC,

Plaintiff,

v.

CASE NO.: 1:09-cv-00254-SPM/GRJ

C.B. CONTRACTORS, LLC, and
CAMBRIDGE BUILDERS &
CONTRACTORS, LLC.,

Defendants.

ORDER GRANTING MOTION FOR CLARIFICATION

THIS CAUSE comes before this Court on Plaintiff's Motion for Clarification on Order on Cross Motions for Partial Summary Judgment (DE 214) and the response in opposition filed by Defendants, C.B. Contractors, LLC and Cambridge Builder & Contractors, LLC. Docs. 219 and 227. Plaintiff seeks a clarification because the order could mistakenly be read as extending the contractual waiver of consequential damages to its negligence claim against Cambridge Builders & Contractors, LLC.

The Court's ruling on the cross motions for summary judgment focused on the waiver of consequential damages as it relates to the breach of contract claims. Whether or not Plaintiff can maintain an action for negligence and the

impact the contractual waiver has on such a claim was not argued by the parties and not decided by the Court. Accordingly, it is

ORDERED AND ADJUDGED:

1. Plaintiff's motion for clarification (doc. 219) is granted.
2. The Court clarifies that the Order on Cross Motions for Partial Summary Judgment (doc. 214) is limited to the breach of contract claims.

DONE AND ORDERED this 22nd day of June, 2011.

s/ Stephan P. Mickle _____

Stephan P. Mickle
Chief United States District Judge