

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

THE B & F SYSTEM, INC.,

Plaintiff,

v.

LLOYD J. LEBLANC JR., ET AL.,

Defendants.

Civil Action 7:07-CV-192 (HL)

ORDER

Several claims in this case rise out of the Maxam Independent Distributor Agreement entered into between The B & F System, Inc. and Lloyd LeBlanc on November 21, 1986. Paragraph 23C of the MIDA reads as follows:

CHOICE OF LAW. It is the intention of the parties that the laws of Texas should govern the validity of this Agreement, and construction of its terms, and the interpretation of the rights and duties of the parties, and all obligations of the parties created hereunder are performable in Dallas County, Texas.

While both parties filed motions for summary judgment, neither party relied on Texas law, and instead analyzed all of their claims under Georgia law. However, neither party explained why Texas law should not apply to this case. The parties are to present their positions on this choice of law issue to the Court, namely whether Texas law or Georgia law should apply to claims relating to the MIDA, in a brief which includes case citations and authorities. The brief may not exceed five pages, and must be filed on or before August 22, 2011.

Alternatively, the parties may agree as to what state's law should apply to this case. If the parties so agree, they are to inform the Court in writing as to that agreement on or before August 22, 2011.

SO ORDERED, this 16th day of August, 2011.

s/ Hugh Lawson

HUGH LAWSON, SENIOR JUDGE

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