

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

COASTAL CONVERTORS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07 C 6904
	)	
ROSENTHAL MANUFACTURING	)	
COMPANY, INC.,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

For the reasons stated during this Court's extended oral ruling at today's status hearing, it is hereby ordered that:

1. Any effort by defendant Rosenthal Manufacturing Company, Inc. ("Rosenthal") to proceed with what its counsel have labeled its Motion for Partial Summary Judgment (in actuality, seeking to bar any damages based on lost production or destruction of materials by the sheeter machine that is the subject of this action) are rejected. Rosenthal has forfeited (if it has not actually waived) any affirmative defense based on the Limited Warranty contained in its quotation form, pursuant to which it sold that sheeter machine to plaintiff Coastal Convertors, Inc. ("Coastal").

2. All efforts by Rosenthal proposing to make changes in the sheeter machine to permit further testing--changes that Rosenthal professes would be nonmaterial but that would inevitably and belatedly inject a new issue or new issues

into the case--are also rejected. Among other matters, this Court has been mindful of the evidence recently submitted by the parties as to the early efforts by David Clark of the Rosenthal organization to cure the operating problems with the sheeter machine, efforts that were unsuccessful and that resulted in Rosenthal's then reportedly reflecting its acknowledgment of fault.

3. On or before June 4, 2010 Rosenthal's counsel will deliver to Coastal's counsel and file with this Court a brief statement as to the proposed anticipated subject or subjects of testimony by designated opinion witnesses, including an identification of the stated relevance of such proposed testimony.

4. This matter is set for a next status hearing at 8:30 a.m. June 8, 2010.

5. Any consideration of possible sanctions to be imposed on Rosenthal or its counsel stemming from their recent conduct is deferred for possible future consideration.



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Milton I. Shadur  
Senior United States District Judge

Date: May 13, 2010