

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

PERSIS INTERNATIONAL, INC. and
EDWARD F. RICHARDS,

Plaintiffs,

v.

BURGETT, INC.,

Defendant.

* * *

BURGETT, INC.,

Counterclaimant,

v.

PERSIS INTERNATIONAL, INC. and
EDWARD F. RICHARDS,

Counterdefendants.

Civil Action No. 1:09-cv-07451

The Honorable Ronald A. Guzman
United States District Court Judge

**PLAINTIFFS EDWARD F. RICHARDS' AND PERSIS INTERNATIONAL, INC.'S
MOTION FOR JUDGMENT AND MOTION TO SET ASIDE THE COURT'S
PREVIOUS ORDER [DOCKET NO. 192] AS MOOT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs Edward F. Richards and Persis International, Inc. ("Plaintiffs"), by and through their counsel, hereby move this Court to enter judgment against Defendant and Counterclaimant Burgett, Inc. ("Burgett") on Counts II and III of Burgett's Counterclaims. In addition, Plaintiffs' respectfully move the Court to set aside its November 1, 2011 Order (Docket No. 192) as moot in light of the facts and law set forth in their concurrently filed Memorandum of Law in support of this Motion.

WHEREFORE, Plaintiffs Persis International, Inc. and Edward F. Richards respectfully request that the Court:

- (a) Enter judgment against Burgett on its remaining counterclaims (Counts II and III);
- (b) Strike the Court's Order of November 1, 2011 (Docket No. 192) which reset the summary judgment briefing schedule;
- (c) Enter an Order reinstating the previously filed briefs in connection with the parties' Cross-Motions for Summary Judgment (Docket Nos. 125-126, 161-173) and disregard the newly filed briefs (Docket Nos. 193-196, 200-206);
- (d) award Plaintiffs their attorneys' fees and costs in filing this Motion; and
- (e) award Plaintiffs such other and further relief as the Court deems appropriate.

Dated: December 16, 2011

Respectfully submitted,

s/ Richard B. Biagi

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFFS EDWARD F. RICHARDS' AND PERSIS INTERNATIONAL, INC.'S MOTION FOR JUDGMENT AND MOTION TO SET ASIDE THE COURT'S PREVIOUS ORDER AS MOOT was served on all counsel of record via CM/ECF on December 16, 2011.

/s/ Richard B. Biagi