

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EMPIRE TODAY, LLC,

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Plaintiff,

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v.

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Civil Action No. 08-11999-JLT

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NATIONAL FLOORS DIRECT, INC.,

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et al.,

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Defendants.

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ORDER

September 27, 2010

TAURO, J.

After reviewing the Parties' submissions, this court hereby orders that:

1. Plaintiff's Motion in Limine to Preclude Plaintiff from Introducing the Testimony of Jason Rose at Trial [#244] is ALLOWED IN PART. Mr. Rose may testify to the extent that the testimony is relevant to Plaintiff's legitimate motives for filing suit, in reply to Defendants' counterclaim against Plaintiff for abuse of process.
2. Defendants' Reply in Support of Its Motion to Exclude the Testimony of Jason Rose and Motion to Dismiss Count VII of Empire's Complaint in Light of the Court's September 23, 2010 Order on Defendant's Motion in Limine of September 27, 2010 is ALLOWED IN PART and DENIED IN PART. It is ALLOWED as to the exclusion of Mr. Rose's testimony at trial. It is DENIED as to the Motion to Dismiss and in all other respects.

3. Defendants' Motion to Exclude Testimony of Mark Hosfield of September 27, 2010 is DENIED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge