

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. No. 09-cv-30181-MAP

ANGIODYNAMICS, INC.,

Plaintiff,

vs.

BIOLITEC, INC., BIOLITEC AG, BIOMED
TECHNOLOGY HOLDINGS LTD. and
WOLFGANG NEUBERGER,

Defendants

**DEFENDANTS' MOTION FOR RECONSIDERATION
OF DEFAULT JUDGMENT PURSUANT TO RULES 59(e)
AND 60(b) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendants Biolitec, Inc., Biolitec AG, Biomed Technology Holdings, Ltd. and
Wolfgang Neuberger (the "Foreign Defendants"), move

- (i) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the default judgment entered on March 18, 2014 [ECF 418] (the "Default Judgment") and the Court's Memoranda and Orders on which the Default Judgment, *i.e.*, the Memorandum and Order Regarding Plaintiff's Motion for Sanctions entered on January 14, 2014 [ECF 395] (the "January 14 Decision") and the Memorandum and Order Regarding Damages entered on March 18, 2014 [ECF 417] (the "March 18 Decision"); and
- (ii) pursuant to Rules 60(b)(4) and 60(b)(6) of the Federal Rules of Civil Procedure for relief from the Default Judgment, the January 14, 2014 Decision and the March 18 Decision.

In support of this motion (the "Motion for Reconsideration"), the Foreign Defendants submit the declaration of the former Chief Financial Officer of defendant Biolitec, Inc., Art Henneberger, executed on April 15, 2014 [ECF 420] and the accompanying memorandum of law [ECF 421].

DEFENDANTS' MEMOS LAIQUELY REHASH ARGUMENTS ALREADY MADE AND REVEALED AS MERITLESS. NOTHING OFFERED BY DEFENDANTS JUSTIFIES THE EXTRAORDINARY RELIEF REQUESTED. SO ORDERED. MICHAEL D. POWERS CJT

5/14/14