

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MSC.SOFTWARE CORPORATION,

Plaintiff,

v.

ALTAIR ENGINEERING, INC.,

Defendant.

Case No. 07-12807

HON. AVERN COHN

ORDER GRANTING ALTAIR'S MOTION IN LIMINE NO. 16 (Doc. 1158)
TO EXCLUDE THE TESTIMONY OF LUCA CASTIGNANI, KARTHIK KRISHNAN,
AND RICHARD RIFF¹

I.

This is a business dispute tried to a jury. The Court set aside a jury's \$26,100,000.00 verdict in favor of MSC and granted Altair a new trial on the issue of damages for breach of confidentiality/misappropriation of three MSC-owned technical trade secrets (TTS).

In preparing for the retrial on damages, the parties have filed motions in limine. The captioned motion, Altair's motion in limine No. 16 (Doc. 1158), seeks to exclude the testimony of three new fact witnesses for MSC: Luca Castignani, Karthik Krishnan, and Richard Riff. For the reasons that follow, the motion is GRANTED.

¹Upon review of the parties' papers, the Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f)(2).

II.

The issue on retrial is limited to the amount of damages MSC is entitled to as a consequence of the jury's verdict that Altair wilfully misappropriated TTS1, TTS2 and TTS3 into MotionSolve. None of these new fact witnesses have any relevant testimony to offer a jury. Particularly, none of the witnesses

- have personal knowledge of the TTSs
- know the effect of any one of the TTSs on the operation of MotionSolve
- has any experience with MotionSolve

In light of this determination, Altair's request to call Joe Sorovetz and Mauro Guglielminotti is MOOT.

SO ORDERED.

S/Avern Cohn _____
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2017
Detroit, Michigan