

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WEATHER UNDERGROUND, INC., a Michigan corporation,

Plaintiff,

v.

CASE NO. 09-10756

HON. MARIANNE O. BATTANI

NAVIGATION CATALYST SYSTEMS, INC., a Delaware corporation; BASIC FUSION, INC., a Delaware corporation; CONNEXUS CORP., a Delaware corporation; and FIRSTLOOK, INC., a Delaware corporation,

Defendants.

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ORDER RESOLVING MOTIONS IN LIMINE

For the reasons stated on the record at a hearing held February 28, 2012, the Court **DENIES** Defendants' Motion for Protective Order (Doc. No. 260), and Defendant's Motion in Limine No. 1 (Doc. No. 240), **GRANTS** Defendant's Motion in Limine No. 2 (Doc. No. 241), **DENIES without prejudice** Defendants Motion in Limine No. 3 (Doc. No. 242). The Court takes Defendants' Motion in Limine No. 5 (Doc. No. 248) under advisement until trial.

The Court also heard argument on Plaintiff's Motion in Limine to Exclude Discussion of Plaintiff's Actual Damages and of Defendants' Monetary Gain (Doc. No. 236) and Defendants' Motion in Limine No. 6 (Doc. No. 250), and will rule on the motions when counsel for the parties appear on **March 26, 2012, at 9:00 a.m.** for oral argument on the remaining motions in limine. Specifically, the Court will hear argument on Plaintiff's

Motion in Limine to Exclude Testimony of and the Expert Reports of Defendants' Expert Richard E. Korf (Doc. No 245) and Plaintiff's Motion in Limine to Exclude Testimony of and portions of the Expert Report of Defendants' expert John Berryhill (Doc. No. 239). The parties agreed that their motions regarding spoliation (Doc. Nos. 238 and 243) are premature.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Date: March 1, 2012

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or electronically filed to counsel of record on this date.

s/Bernadette M. Thebolt
Case Manager