

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Fifty Below Sales & Marketing, Inc.,
a Minnesota Corporation,

Defendant.

ORDER

Civ. No. 06-1112 ADM/RLE

Michael R. Pahl, Esq., Assistant United States Attorney, Washington, DC, on behalf of United States of America.

On July 21, 2006, the United States of America ("United States") filed a Notice of Continuing Litigation and Request to Correct Docket ("Notice") [Docket No. 34]. In the Notice, the United States avers that summary judgment was erroneously granted and judgment was erroneously entered in this case. While summary judgment and judgment were appropriate in related civil cases 05-1380 and 06-1269, this case contains a separate, unresolved issue of whether a permanent injunction should be issued. The Court agrees. The docket should be corrected to reflect that the Court should not have granted summary judgment [Docket No. 32] with respect to this case. Also, judgment [Docket No. 33] should not be entered in this case.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: July 26, 2006.