

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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TEXTRON FINANCIAL  
CORPORATION,

Civil No. 10-2070 (JRT/LIB)

Plaintiff,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

v.

WEERES INDUSTRIES  
CORPORATION,

Defendant.

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Jeffrey Jones and Paul Ratelle, **FABYANSKE WESTRA HART & THOMSON, PA**, 800 LaSalle Avenue, Suite 1900, Minneapolis, MN 55402; Jill Johnson and William Bay, **THOMPSON COBURN LLP**, One US Bank Plaza, St. Louis, MO 63101, for plaintiff.

Bruce Douglas and L Kathleen Harrell-Latham, **LARKIN HOFFMAN DALY & LINDGRE LTD**, 7900 Xerxes Avenue South, Suite 1500, Minneapolis, MN 55431, for defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Leo I. Brisbois, dated June 17, 2010 [Docket No. 40]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff's motion for summary judgment [Docket No. 16] is **GRANTED**, in part as described in Magistrate Judge Leo I. Brisbois' Report and Recommendation, but **DENIED** in part as to the amount of actual damages.

Dated: July 8, 2011  
at Minneapolis, Minnesota

s/ John R. Tunheim

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JOHN R. TUNHEIM

United States District Judge