

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

The Wolfington Group

v.

Civil No. 08-cv-00423-JL

Allegiant Marketing Group, Inc.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **April 15, 2009.**

The Discovery Plan (document no. 20) is approved as submitted, with the following changes:

- Trial -- **May, 2010 (as opposed to 2009)**

Based on the discussions between the court and counsel at the conference, the following affirmative defenses are **stricken** without prejudice to being reinstated on request if warranted by the evidence: Allegiant's eighth affirmative defense (estoppel, waiver and laches--although the underlying theories remain asserted as to damages) and ninth affirmative defense (unclean hands--with the same qualification).

The defendant will amend ¶¶ 13, 14, 17, 18, 21, 22 and 27 of its Answer to more comprehensively state its position with

respect to the corresponding allegations. Leave is granted for amendments.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: April 16, 2009

cc: Peter G. Callaghan, Esq.
Alfred C. Frawley, Esq.
Edward A. Haffer, Esq.
Andrew B. Peterson, Esq.
Charles L. McLawhorn, III, Esq.
Michael J. LaBrie, Esq.