

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10cv204**

**RDLG, LLC,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **RPM GROUP, LLC, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

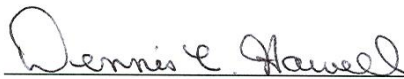
**ORDER**

Pending before the Court is the Motion in Limine [# 147]. Defendant Fred Leonard (“Defendant”) moves to exclude any evidence related to any alleged verbal amendments to the final marketing agreement between the parties. On December 5, 2014, the Court held the Final Pretrial Conference in this matter and heard oral argument as to the pending Motions in Limine.

To the extent that Defendant seeks to exclude the factual allegations as set forth in paragraphs 38-39 of the Amended Complaint, the Court **DENIES** the motion [# 147]. By virtue of the Court’s prior Orders, Defendant has admitted to the factual allegations as set forth in the Amended Complaint; the Jury will receive a copy of and/or be read those allegations in open court. Defendant may not contest these factual allegations at trial.

To the extent that Defendant seeks to exclude specific testimony as to verbal amendments to the marketing agreement that are not contained in the factual allegations as set forth in the Amended Complaint, the Court **DENIES without prejudice** the motion [# 147]. The Court **INSTRUCTS** Plaintiff that prior to offering such testimony to inform the Court, and the Court will allow Defendant an opportunity to renew its motion. The Court will then consider the motion in light of the evidence at trial.

Signed: January 6, 2015



Dennis L. Howell  
United States Magistrate Judge

