

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16CV49

SEDGEWICK HOMES, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 STILLWATER HOMES, INC.,)
)
 Defendant.)
 _____)

ORDER

This matter is before the Court upon Plaintiff’s Motions in Limine (Doc. Nos. 90, 92, and 96), Defendant’s Motions in Limine (Doc. No. 94 and 151), and Plaintiff’s Motions for Sanctions (Doc. Nos. 111 and 140). These matters have all been fully briefed and a hearing was held on these motions on July 17, 2018.

For the reasons stated in open court,

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion in Limine to Exclude Evidence, Witness Testimony, and Argument that is Contrary to the Law of the Case (Doc. No. 90) is DENIED;
2. Plaintiff’s Motion in Limine to Exclude all Evidence of Stillwater’s Profits, Costs, Deductible Expenses, and Elements of Profit Attributable to Factors Other than the Copyrighted Work (Doc. No. 96) is deferred until trial;
3. Plaintiff’s Motion in Limine to Exclude Stillwater’s Unreliable Evidence of its Purported Independent Creation Date (Doc. No. 92) is DENIED;

4. Defendant's Motions in Limine (Doc. No. 94) are DENIED IN PART AND GRANTED IN PART in that the Motions are granted except as to any evidence regarding Plaintiff's "gross profits" or alleged actual damages, and Sedgewick's spreadsheets, which are denied;
5. Defendant's Motion in Limine (Doc. No. 151) is hereby GRANTED, except that Plaintiff is permitted to introduce plans obtained from Donald A. Gardner Architects for the purpose of allowing the jury to compare those plans with the plans at issue herein. No live witnesses will be permitted; and
6. Plaintiff's Motions for Sanctions (Doc. Nos. 111 and 140) are hereby DENIED.

IT IS FURTHER ORDERED that trial in this case is set for October 29, 2018.

Signed: July 18, 2018



Graham C. Mullen
United States District Judge

