

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LEVTEC, LLC,	:	Case No. 3:14-cv-00276
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
MICHELLE BARKAN, et al.,	:	
	:	
Defendants.	:	

---

**ENTRY AND ORDER DENYING TURN, INC.'S MOTION IN LIMINE  
REGARDING PURPORTED DAMAGES INCURRED BY PLAINTIFF (DOC. 78)**

---

This case is before the Court on the Motion in Limine regarding Purported Damages Incurred by Plaintiff (“Motion in Limine”) (Doc. 78) filed by Defendant Turn, Inc. (“Turn”). Turn filed the Motion in Limine prior to the Court’s Order bifurcating the trial of this matter between liability and damages. (Doc. 99.) Once the Court ordered bifurcation of the trial, it declined to rule on the Motion in Limine because it was not relevant to the liability issues to be tried first. The Court has since completed the bench trial as to liability and entered its Findings of Fact, Conclusions of Law and Judgment as to Liability Only. (Doc. 113.) The parties are now working to resolve any remaining issues and submit a proposed stipulated judgment regarding damages for the Court’s consideration. If the parties are unsuccessful in that endeavor, however, the bench trial as to damages will commence on February 12, 2018.

In light of all that has transpired, it is uncertain whether the issues raised by Turn’s Motion in Limine are disputed by the parties or otherwise remain relevant to this case. The Court therefore **DENIES** the Motion in Limine (Doc. 78) without prejudice to re-filing if necessary to resolve any disputed issues before the bench trial as to damages.

**DONE and ORDERED** in Dayton, Ohio, this Friday, November 17, 2017.

s/Thomas M. Rose

---

THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE