



5. Each party shall bear its own costs and attorneys' fees with respect to the issue of Emerson, and its affiliates other than ClosetMaid Corp., as a proper party to this actions.

Dated: October 6, 2009

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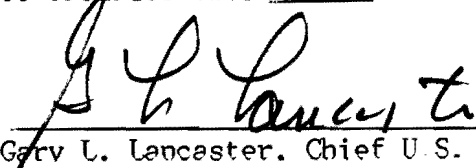
/s/ Maria Greco Danaher  
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SO ORDERED. this 9<sup>th</sup> day of October 2009

  
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Gary L. Lancaster, Chief U.S. District Judge