

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**INTERNATIONAL TRACTOR CO., INC.**            )  
**and EILAT LEV,**                                    )  
  )  
                  **Plaintiffs/Counter-Defendants,**        )  
  )  
**v.**    )  
  )  
**JERRY E. WINN,**                                    )  
  )  
                  **Defendant/Counter-Plaintiff,**        )  
  )

**Case No. 3:09-0015  
Judge Trauger**

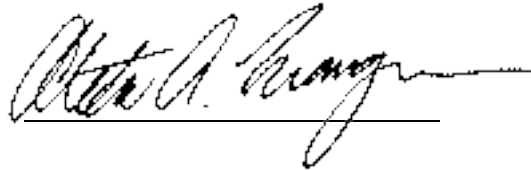
**ORDER**

For the reasons expressed in the accompanying Memorandum, Jerry Winn’s Motion for Partial Summary Judgment (Docket No. 45) is **GRANTED IN PART and DENIED IN PART**. All claims against Winn in this litigation are hereby **DISMISSED WITH PREJUDICE**, but issues of fact prevent the court from finding against both counter-defendants for a certain amount on Winn’s money had and received claim. Winn’s Motion to Dismiss for Failure to Prosecute and/or for Sanctions (Docket No. 38) is **DENIED AS MOOT** as to the “dismissal” portion and **DENIED WITHOUT PREJUDICE** as to the “sanctions” portion.

Winn’s Motion to Extend Upcoming Deadlines in Case Management Order (Docket No. 34) is **TERMED**. Pursuant to the court’s April 1, 2010 Order (Docket No. 42), all discovery deadlines in this case remain **STAYED** and a status conference will be held in Judge Trauger’s chambers on June 14, 2010 at 11:00 a.m.

It is so ordered.

Enter this 13th day of May 2010.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

ALETA A. TRAUGER  
United States District Judge