

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**PRODUCTIVEMD, LLC,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **4UMD, LLC, DAVID BECKER,** )  
 **BILL KOTTAS, SR., SCOTT** )  
 **HOLMES and MATT MACINTYRE,** )  
 )  
 **Defendants.** )

**No. 3:10-1100  
Judge Sharp**


**ORDER**

For the reasons set forth in the accompanying Memorandum, the Court hereby enters the following rulings:

(1) Defendants’ Motion for Judgment on the Pleadings (Docket No. 44) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED only insofar as ProductiveMD alleges in Count I that Defendant David Becker breached his duty of loyalty by misappropriating and conspiring with the other Defendants to misappropriate trade secrets, and only insofar as ProductiveMD alleges in Count V that Defendants engaged in unfair competition by misappropriating and using trade secrets. The Motion is also GRANTED with respect to ProductiveMD’s Civil Conspiracy claim as set forth in Count VII. In all other respects, the Motion for Judgment on the Pleadings is DENIED.

(2) Defendants’ Motion to Ascertain Status (Docket No. 62) is deemed MOOT in light of the Court’s ruling on the Motion for Judgment on the Pleadings.

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE