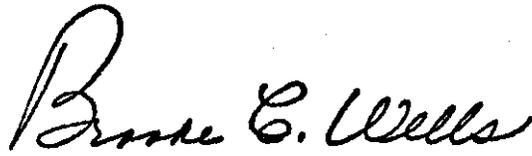


Defendant's notice was filed within the time frame allowed by the Court under the Amended Scheduling order. As such it complies with Utah's substantive law on comparative negligence.

Plaintiff's motion is therefore DENIED.⁴

DATED this 26 July 2013.

A handwritten signature in black ink that reads "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B'.

Brooke C. Wells
United States Magistrate Judge

⁴ In opposition Genesco states that it was surprised at this motion and “believed—or at least hoped—that disagreements in this case to date are ‘simply’ a result of miscommunication and bad circumstances, which can be rectified moving forward.” Op. p. iii. The Court encourages the parties to use their best efforts to communicate and cooperate, which will hopefully alleviate the filing of motions that are not supported by the record.