

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SOARING HELMET CORPORATION, a
Washington Corporation,

Plaintiff,

v.

NANAL, INC., a Nevada corporation, d/b/a
LEATHERUP.COM,

Defendant.

NO. 07-2-22699-1 SEA

ORDER GRANTING SOARING
HELMET'S MOTION IN LIMINE TO
EXCLUDE EVIDENCE REDUCING
SOARING HELMET'S DAMAGES

[PROPOSED]

THIS MATTER having come before the Court on Plaintiff Soaring Helmet Corporation's motion in limine to exclude evidence reducing Soaring Helmet's damages, and;

The Court having considered the pleadings filed in this action it is hereby ORDERED, ADJUDGED and DECREED that:

ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE

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1 1. Plaintiffs' motion in limine to exclude evidence reducing
2 Soaring Helmet's damages is GRANTED.

3 2. Defendants are precluded from offering any evidence at trial which seeks to
4 reduce Soaring Helmet's damages based upon Defendant's profits for sales of the XElement
5 Vega jacket. Defendant's refusal to produce evidence has made it impossible for Soaring
6 Helmet to show the portion of Defendant's profits which are attributable to the infringing
7 sales of the XElement Vega jacket.

8 3. Any evidence of Defendant's gross and net profits related solely to the
9 XElement Vega jackets is precluded because Defendant failed to disclose the information in
10 discovery. Pursuant to Federal Rule Civ. Pro. 37(c), Defendant may not offer the evidence at
11 trial.

12 3. Defendant's deposition statements denying that it ever sold XElement Vega
13 jackets are binding judicial admissions, which may not be contradicted at trial.
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15
16 Dated this ____ day of January 2011.

17 _____
18 Judge JAMES J. ROBERT

19 Presented by:

20 INVICTA LAW GROUP, PLLC

21 By 
22 Heather M. Morado, WSBA No. 35135
23 Stacie Foster, WSBA No. 23397
Attorneys for Plaintiff

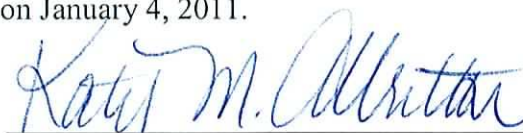
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons/attorneys of record:

Ms. Katherine Hendricks
Ms. Stacia N. Lay
HENDRICKS & LEWIS, PLLC
901 Fifth Avenue, Suite 4100
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EXECUTED at Seattle, Washington on January 4, 2011.



Katy M. Albritton
Legal Assistant