

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ADVOCARE INTERNATIONAL, L.P., a  
11 Texas limited partnership,

12 Plaintiff,

13 v.

14 RICHARD PAUL SCHECKENBACH, et al.,

15 Defendants.  
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Case No. C08-5332 RBL

ORDER GRANTING PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT [Dkt. #288]

18 THIS MATTER comes before the Court on Plaintiff's Motion for Partial Summary Judgment [Dkt.  
19 #288]. Plaintiff AdvoCare moves this Court for summary judgment dismissal of three of Defendants'  
20 affirmative defenses. The Court has reviewed the materials, and hereby **GRANTS** Plaintiff's Motion. The  
21 affirmative defenses [Nos. 12, 16, 17, in Dkt. #s 276, 277, 278] asserted by R-Squared Nutrition Inc.,  
22 Breakthrough Nutrition, and Ascential Bioscience, LLC, relating to the Texas judgment being obtained by  
23 fraud and the adjudication of Scheckenbach's absence of fraud are **DISMISSED**. The reasons for the Court's  
24 Order are outlined in its Order [Dkt. #307] Granting Plaintiff's substantially identical Motion for Summary  
25 Judgment filed by a different subset of Defendants [Dkt. #275]. **IT IS SO ORDERED.**

26 DATED this 13<sup>th</sup> day of August, 2010.

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28 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE