

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2019 CA 0733

CAMSOFT DATA SYSTEMS, INC.

VERSUS

**SOUTHERN ELECTRONICS SUPPLY, INC.
AND ACTIVE SOLUTIONS, LLC**

Judgment Rendered: JUL 02 2019

**Appealed from the Nineteenth Judicial District Court
Parish of East Baton Rouge
State of Louisiana**

Case No. 582,741

The Honorable Janice Clark, Judge Presiding

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BEFORE: CRAIN, THERIOT and HOLDRIDGE, JJ.

THERIOT, J.

In this appeal, MMR Constructors, Inc., MMR Group, Inc., and MMR Offshore Services, Inc. (sometimes referred to collectively as “MMR”) seek review of the trial court’s judgment denying their Motion for Partial Summary Judgment on CamSoft’s Claim For Lost Business Value Damages. For the following reasons, we vacate the trial court’s judgment and remand this matter to the trial court for further proceedings.

FACTS AND PROCEDURAL HISTORY

The facts and procedural history are laid out in more detail in this court’s opinion in **CamSoft Data Systems, Inc. v. Southern Electronics Supply, Inc.**, 2019-0730 (La. App. 1st Cir. 7/2/19) (unpublished), which is also being issued this date.

Relevant hereto, CamSoft Data Systems, Inc. (“CamSoft”) seeks to recover “lost business value” damages under four distinct theories in four different markets: (1) the U.S. wireless mesh networking market; (2) the worldwide wireless mesh networking market; (3) the U.S. IP video surveillance market; and (4) the worldwide IP video surveillance market.

For its lost business value theories, CamSoft utilizes a valuation date of July 8, 2004, when, at a purported “secret meeting” among representatives from the City of New Orleans, Dell Inc., Dell Marketing, L.P., Active Solutions, LLC, and Southern Electronics Supply, Inc., alleged misappropriation of CamSoft’s trade secrets related to the wireless video surveillance system took place. But for this alleged misconduct, CamSoft claims that it would have captured 10% of the U.S. and worldwide wireless mesh networking markets.

MMR filed a motion for partial summary judgment seeking dismissal of CamSoft’s claim for lost business value damages. After a hearing, the trial court signed a judgment on April 2, 2019, denying MMR’s motion for partial summary

judgment on the lost business value damages claim. From this judgment, MMR appeals pursuant to La. R.S. 51:135.¹

DISCUSSION

In its appeal, MMR raises the same arguments urged by Dell, Inc. and Dell Marketing, L.P. in a companion appeal in **CamSoft Data Systems, Inc. v. Southern Electronics Supply, Inc.**, 2019-0739 (La. App. 1st Cir. 7/2/19) (unpublished), which is also being issued this date.

CONCLUSION

For the same reasons set forth in the companion appeal, we vacate the trial court's April 2, 2019 judgment denying MMR's Motion for Partial Summary Judgment on CamSoft's Claim for Lost Business Value Damages. We order the trial court to consider the merits of the referenced motion for partial summary judgment in connection with its analysis of the admissibility of the expert opinions of Chetan Sharma and Stephen Dell. We issue this memorandum opinion in compliance with Uniform Rules—Courts of Appeal, Rule 2-16.1B. All costs of this appeal shall be assessed equally to appellants, MMR Constructors, Inc., MMR Group, Inc. and MMR Offshore Services, Inc., and appellee, CamSoft Data Systems, Inc.

JUDGMENT VACATED; MATTER REMANDED.

¹ As set forth in La. R.S. 51:135, all interlocutory judgments in cases involving antitrust claims shall be appealable within five days and shall be heard and determined within twenty days after the appeal is lodged.