

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RMD, LLC,

Plaintiff,

v.

NITTO AMERICAS, INC., et al.,

Defendants.

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No. 09-2056-JAR-DJW

ORDER MEMORIALIZING JULY 9, 2012 RULINGS

This matter comes before the Court on Defendants' Motion to Reconsider the Court's Order Striking and Limiting Defendants' Motion for Summary Judgment (Doc. 340). The Court held a telephone hearing and scheduling conference on July 9, 2012. Plaintiff appeared by and through counsel Christopher C. Javillonar and John T. Polhemus of Bryan Cave LLP; Defendants appeared by and through Mark A. Ferguson and Eldon Shields of Gates, Shields & Ferguson, P.A. After hearing arguments and statements of counsel, the Court made oral findings. For the reasons stated on the record and as supplemented herein,

IT IS THEREFORE ORDERED BY THE COURT that Defendants' Motion for Reconsideration (Doc. 340) is DENIED;

IT IS FURTHER ORDERED that, given the Court's order denying Defendants' request for leave to file summary judgment on all of Plaintiff's claims, on or before **July 13, 2012**, Defendants shall amend their Motion for Summary Judgment (Doc. 345) to comply with the Court's directive to limit the motion to the issue of punitive damages, including marshaling the 365 statements of uncontroverted facts to support their analysis of the issue as framed in their Memorandum in Support: whether a reasonable jury could find from the record that Plaintiff

proved by clear and convincing evidence that Defendants acted willfully or wantonly¹; Plaintiff's response deadline shall run from the date of the amended motion.

IT IS FURTHER ORDERED that the trial date currently set for August 20, 2012, is continued until **December 10, 2012, in Kansas City, Kansas, with an estimated trial time ten (10) days**; a *Daubert* hearing will be held in Topeka, Kansas on **August 20, 2012, at 10:00 a.m.**

IT IS SO ORDERED.

Dated: July 10, 2012

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE

¹Doc. 345 at 99.