

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

NEXTFOOD, INC.,

Plaintiff,

vs.

Case No. 09-2148-EFM

TOM STEWART,

Defendant/Third-Party Plaintiff,

and

RESTAURANT PURCHASING SERVICES,
INC. d/b/a RESTAURANT LINK

Third Party Defendant/Counterclaimant.

ORDER

This matter came before the Court for hearing on the 2nd day of March, 2011, on the following: Plaintiff's and Third Party Defendant/Counterclaimant's Motion in Limine (Doc. 82). Plaintiff and Third Party Defendant/Counterclaimant appeared via telephone by counsel, James R. Jarrow. Defendant appeared via telephone by counsel, Mark Beam-Ward. There were no other appearances. Rule 615 was invoked.

The Court, upon examining its files and hearing the arguments presented, held as follows:

Plaintiffs' Motion in Limine (Doc. 82) raises four specific issues. With respect to issues 1 and 3, they are sustained in full. With respect to issue 2, it is sustained in part. Defendant may

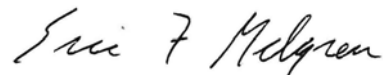
present evidence regarding Richard King's actions in attending Defendant's strategy meeting, and his decision to go into competition with Defendant as it may have affected the Profit Sharing Agreement and the interest of the distributors to work with RestaurantLink.. In all other respects, Plaintiff's and Third Party Defendant/Counterclaimant's motion, as it relates to issue 2, is sustained. With respect to issue 4, it is overruled.

The Court addressed and ruled upon Plaintiff's and Third-Party Defendant/Counterclaimant's objections to Defendant's Witness and Exhibit List (Doc. 81) as detailed in the hearing transcript..

IT IS THEREFORE ORDERED that Plaintiff's and Third Party Defendant/Counterclaimant's Motion in Limine (Doc. 82) is **sustained in full** as to issues 1 and 3. It is **sutained in part** as to issue 2. It is **overruled** as to issue 4.

IT IS SO ORDERED.

Dated this 2nd day of March, 2011, in Wichita, Kansas.



ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE