

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

BAYCHAR, INC., ET AL.,)	
)	
PLAINTIFFS)	
)	
v.)	CIVIL No. 04-144-B-H
)	
THE BURTON CORPORATION,)	
ET AL.,)	
)	
DEFENDANTS)	

ORDER ON PLAINTIFFS' MOTION FOR RELIEF FROM JUDGMENT

In this case, the Magistrate Judge and the District Judge ruled favorably on the defendants' motions for summary judgment on the plaintiffs' claims. The defendants' motions for summary judgment, however, did not address certain counterclaims. Nordica USA Corp.'s Answer & Countercl. (Docket Item 26). As a result, the Orders of both the Magistrate Judge and the District Judge did not rule on the counterclaims. Nevertheless, the Clerk's Office incorrectly entered judgment on November 6, 2006, in the defendants' favor on the entire case, *i.e.*, including Nordica's counterclaims. The parties agreed to a dismissal of the plaintiffs' appeal to the Federal Circuit on the basis that the judgment was not final. Plainly, the judgment on the counterclaims must be **VACATED** under Fed. R. Civ. P. 60(a).

The plaintiffs' motion for relief from judgment from the counterclaims is

GRANTED.

So ORDERED.

DATED THIS 19TH DAY OF JUNE, 2007

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (BANGOR)
CIVIL DOCKET FOR CASE #: 1:04cv144 (DBH)**

Baychar, Inc.

and

Baychar Holdings, LLC

Plaintiffs

Represented By

Keith Jacques

Smith, Elliott, Smith & Garmey, P.A.

P.O. Box 442

Portland, ME 04112

(207) 282-1527

email: kjacques@sesg.com

Michael I. Montembeau

Smith, Elliott, Smith & Garmey, P.A.

P.O. Box 1179

Saco, ME 04072

(207) 282-1527

email: mmontembeau@sesg.com

v.

The Burton Corporation,

and

Deckers Outdoor Corporation

and

Nordica USA Corp.

Defendants

Represented By

Donald A. Degnan

Holland & Hart LLP

1800 Broadway, Suite 300

Boulder, CO 80302

(303) 473-2700

email: ddegnan@hollandhart.com

Lee F. Johnston

James E. Hartley

Holland & Hart LLP

P.O. Box 8749

Denver, CO 80201-8749

(303) 295-8000

email: ljohnston@hollandhart.com

jhartley@hollandhart.com

Glen L. Porter

Eaton Peabody

P.O. Box 1210

Bangor, ME 04402

(207) 947-0111

email: gporter@eatonpeabody.com