

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORTHERN CROSSARM CO., INC.,

Plaintiff,

v.

CHEMICAL SPECIALITIES, INC.,

Defendant.

ORDER

03-C-415-C

A hearing was held by telephone in this case on May 25, 2004, before United States District Judge Barbara B. Crabb. Dan Conley and Matt Duchemin appeared on behalf of plaintiff. Defendant was represented by Mary Turke.

The case will proceed as a bench trial. It will begin at 9:00 a.m. on Thursday, June 10, 2004. Counsel anticipate that the case will take no more than four days to complete. They agreed also that it would be unnecessary to hold a final pretrial conference now that the case is going to be tried to the court and not to a jury.

The remaining issue was defendant's desire to keep confidential all materials that had previously been marked as confidential. I ruled that the materials could not be kept confidential from plaintiff's president who has the right to sit in during the trial as plaintiff's

representative. Also I ruled that evidence relating to market strategy involving lobbying would not be kept confidential. As a general guide to the parties, I will allow evidence to be kept confidential only if it relates to current pricing and only if defendant can make a specific showing of the need for confidentiality. As to evidence involving market strategy, I will apply approximately the same rules, that is that the strategy must be current strategy and defendant must be able to make a specific showing that it is necessary to keep the materials confidential.

If with this general guideline, the parties are not able to work out their differences on specific items of evidence, they can always call the court and arrange for a hearing on the disputed materials.

Entered this 26th day of May, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge