

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

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THERMAL DESIGN, INC., and  
SPORTS INTERIORS, Inc.,

Plaintiffs,

v.

INDOOR COURTS OF AMERICA, INC.,  
THE CINCINNATI INSURANCE COMPANY  
and DEF INSURANCE COMPANY,

Defendants.  
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ORDER

03-C-249-C

A hearing was held by telephone in this case on various motions filed by the parties. Thaddeus Stankowski participated on behalf of plaintiffs. Defendants were represented by Thomas Cabush.

After hearing argument, I ordered that defendants must make an effort to have MSN remove all links to defendants' website that are triggered by the words "Simple Saver." If the link cannot be removed, defendants will have to remove the particular piece of advertising that refers to the kind of product that plaintiffs make. If it becomes necessary for defendants to remove that piece of advertising, defendants can come back to the court

to seek a bond. Defendants are to make their request of MSN and report back to the court and opposing counsel no later than October 10, 2003. To this extent, plaintiffs' motion for modification of the court's order of August 7, 2003, is GRANTED.

Plaintiffs' motion for contempt finding is DENIED. I am not persuaded that defendants have failed to comply in good faith with the court's August 7, 2003 order.

As to the motion for protective order concerning confidential documents, counsel are to confer to determine what documents they intend to make confidential as opposed to those that will be marked confidential for attorneys' eyes only, and as for the confidential documents, determine a procedure for deciding which documents should be so marked.

Defendants' motion for protective order was GRANTED as it relates to the deposition of Mike Thomas. The parties have agreed that they will take the deposition of Mr. Kessler in Kansas City, Missouri, making that part of the motion moot.

Defendants' motion to file a surreply brief was GRANTED on September 29, 2003.

Entered this 1st day of October, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge