

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

UNITED STARS INDUSTRIES, INC.,
d/b/a UNITED INDUSTRIES, INC.,

Plaintiff,

v.

PLASTECH ENGINEERED
PRODUCTS, INC.,

Defendant.

ORDER

06-C-0349-C

Plaintiff has moved for amendment and clarification of the court's August 27, 2007 order, pointing out that the court did not make it clear that because sanctions were awarded pursuant to 28 U.S.C. § 1927, the award was imposed against defendant's counsel. Plaintiff is correct. The order should have specified that the sanctions were to be paid by defendant's counsel, Jones Day.

ORDER

IT IS ORDERED that the amended judgment entered on August 29, 2007, is VACATED and the order entered herein on August 27, 2007, is AMENDED by deleting the

paragraph under the heading "ORDER" and substituting the following paragraph:

IT IS ORDERED that plaintiff United Industries, Inc.'s request for an award of sanctions pursuant to 28 U.S.C. § 1927 against Jones Day, counsel for defendant Plastech Engineered Products, Inc., is GRANTED in part. Plaintiff is entitled to an award of attorney fees in the total amount of \$28,254.00 and costs in the amount of \$1999.93. Its motion for an award of sanctions pursuant to Fed. R. Civ. P. 37 is DENIED. Plaintiff's motion to strike defendant's surreply brief is GRANTED.

In all other respects, the order remains as entered.

The clerk of court is directed to enter an amended judgment reflecting this amendment.

Entered this 29th day of August, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge