

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

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MAXPOWER CORPORATION,  
a Colorado Corporation, and  
MAXPOWER WISCONSIN  
CORPORATION, a Wisconsin  
Corporation,

Plaintiffs,

v.

GENE ABRAHAM, KEVIN HOBSON,  
and BRADY WILKENS,

Defendants.

ORDER

08-cv-150-bbc

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Before the court are plaintiffs' motion for reconsideration of the order entered on April 29, 2008, denying plaintiffs' motion for a preliminary injunction and sanctions for the alleged theft of trade secrets, and defendants' motion to strike plaintiffs' demand for a jury trial as untimely. Having reviewed the parties' briefs on the motion for reconsideration, I am denying it. Plaintiffs contend that the court overlooked important evidence about the steps that defendants had taken to cover up the information they had obtained from plaintiffs improperly. Plaintiffs may be correct, but it makes no difference. Even if I were

to consider the allegedly overlooked evidence, I would reach the same conclusion, which is that plaintiffs failed to show that they are entitled to a preliminary injunction. Nothing in plaintiffs' recent submissions persuades me that this conclusion was wrong in April or that it is wrong today.

Turning to the motion to strike the jury demand, I will deny that motion as well. Technically, plaintiffs advised defendants of their intent to try the case to a jury when they marked "yes" in the box for jury demand; in this court, such notice is sufficient. The parties discussed a jury trial with the magistrate judge at the preliminary pretrial conference. Defendants cannot say that they have been blindsided by the request. They have ample time until trial to prepare for a presentation to a jury.

#### ORDER

IT IS ORDERED that plaintiffs MaxPower Corporation's and MaxPower Wisconsin Corporation's motion for reconsideration of the April 29, 2008 order denying their motion for a preliminary injunction and sanctions is DENIED and defendants Gene Abraham's, Kevin Hobson's and Brady Wilkens's motion to strike plaintiffs' demand for a jury trial is

DENIED as well.

Entered this 30th day of July, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge