IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

FILED
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U.S. DISTRICT COURT
HARTFORD, CT.

INTERMARK FABRIC CORPORATION
Plaintiff

v.

MICROFIBRES, INC.
Defendant

C.A. No. 3:02 CV1267 AVC

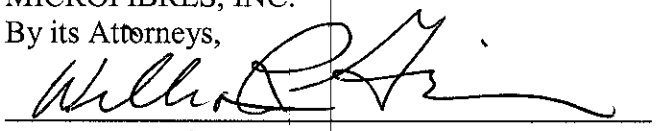
MICROFIBRES, INC.'S MOTION FOR RECONSIDERATION

Defendant, Microfibres, Inc. hereby requests that this Court reconsider its Order dated March 31, 2004 granting plaintiff, Intermark Fabric Corporation's ("Intermark") Motion to Partially Withdraw Previously Filed Motion and to Strike Affidavits filed by Defendant in Support of its Motion for Summary Judgment. The Court's Order on which reconsideration is requested is attached hereto as Exhibit A.

On July 21, 2003, Intermark filed its first motion for summary judgment in this case. On August 11, 2003, Microfibres filed its opposition to that motion, including the affidavits of David Brookstein, ScD., James McCullough and William Laird. On September 10, 2003, Intermark filed a Motion to Supplement its Motion for Summary Judgment and to Strike Affidavits Filed by Defendant in Support of its Opposition to Plaintiff's Motion for Summary Judgment. The Court granted Intermark's motion to supplement on September 12, 2003. Thereafter, on September 30, 2003, Intermark filed its motion to partially withdraw its September 10, 2003 motion but renewed its September 10 motion to strike portions of certain Microfibres affidavits in opposition to the summary judgment motion. Microfibres filed its substantive opposition to the motion to strike the affidavits on October 20, 2003. Microfibres' opposition is attached as Exhibit B.

On March 31, 2004, the Court granted Intermark's motion to strike as unopposed. As detailed in Exhibit B, Microfibres did in fact oppose Intermark's motion to strike. Apparently, the confusion arose out of Intermark's duplicative filings of the motion to strike on September 10 and a renewal of the motion to strike on September 30, 2003. Microfibres' opposition referenced the initial filing date of September 10, 2003. Given Microfibres' substantive opposition, previously filed with the Court, Microfibres requests that the Court vacate its Order of March 31, 2004 granting the motion as unopposed and deny Intermark's motion to strike the affidavits filed by Microfibres in opposition to Intermark's motion for summary judgment. The entire factual record should be considered by the Court. We have consulted with Intermark's counsel concerning this motion for reconsideration. Intermark consents to this motion given the procedural history and Intermark agrees that the Court should reconsider the motion to strike on the merits based on the pleadings previously submitted.

MICROFIBRES, INC.
By its Attorneys,



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April 7, 2004

CERTIFICATION

TO:

William J. Cass, Esq.
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I hereby certify that I mailed a copy of the within Motion for Reconsideration to counsel of record, as above, on the 7th day of April, 2003.

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