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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

FILED

2004 APR 12 P 1:32

U.S. DISTRICT COURT
HARTFORD, CT.

INTERMARK FABRIC CORPORATION
Plaintiff

v.

MICROFIBRES, INC.
Defendant

C.A. No. 3:02 CV 1267 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.

Filed 4/15/2004. The motion for reconsideration is GRANTED. The relief requested is also granted in that the court hereby VACATES the court's March 31, 2004 order granting the motion to strike as unopposed. The clerk is ordered to restore the motion to strike (document no. 97) to the court's active pending motion list for reconsideration on the merits.
SO ORDERED.
Alfred V. Covello, U.S.D.J.

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2004 APR 15 P 2:46
U.S. DISTRICT COURT
HARTFORD CT.