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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

FILED
2005 AUG 15 A 11:07
U.S. DISTRICT COURT
HARTFORD, CT.

INTERMARK FABRIC CORPORATION, Plaintiff, v. MICROFIBRES, INC, Defendant.	Case No. 3:02-CV-1267 (AVC)

MOTION TO DISMISS COUNTS FIVE THROUGH EIGHT OF THE SECOND AMENDED COMPLAINT AND TO WITDRAW CERTAIN ORDERS AS MOOT

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Now comes Plaintiff, Intermark Fabric Corporation, by its attorneys, and moves this Court to (1) enter an order dismissing the following Causes of Action in the Second Amended Complaint with prejudice and without costs to any party: (a) Fifth Cause of Action entitled Sherman Act Section 2 (15 U.S.C. Section 2) - Monopolization, (b) Sixth Cause of Action entitled Sherman Act Section 2 (15 U.S.C. Section 2) - Attempted Monopolization, (c) Seventh Cause of Action entitled Connecticut Antitrust Act, Conn. Gen, Stat. §35-24, et. seq. - Monopolization, and (d) Eighth Cause of Action entitled Connecticut Antitrust Act, Conn. Gen. Stat. §35-24, et. seq. - Attempted Monopolization, and (2) withdraw as moot the Endorsement Order granting Plaintiff, Intermark Fabric Corporation's motion to compel (Docket No. 157) entered on July 12, 2005 and the Endorsement Order granting Defendant, Microfibres, Inc.'s motion to compel (Docket No. 158) entered on July 12, 2005.

As grounds therefore, Plaintiff asserts that Causes of Action Five through Eight comprise state and federal antitrust claims and given the complexity of such claims, Plaintiff is financially unable to continue to prosecute the aforementioned Causes of Action. The two aforementioned

August 18, 2005. GRANTED. So ORDERED.
Alfred V. Covello, U.S.D.J.