

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

DAN BRADSHAW,)	
)	
Plaintiff,)	
)	
v.)	Nos. 111 through 888
)	
ELI PILLY, INC. et al.)	ORDER
)	
Defendants.)	
_____)	

UPON MOTION of the parties, consideration of the arguments presented to the Court, and good cause appearing, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. All motions to dismiss filed by Defendant Pilly pursuant to Rule 12(b)(2) asserting a lack of personal jurisdiction are denied; and
2. All motions to dismiss filed by Defendant Leary pursuant to Rule 12(b)(2) asserting a lack of personal jurisdiction are denied without prejudice, subject to renewal if appropriate upon completion of discovery:
3. With regard to the additional motions specific to individual cases, the Court rules as follows:
 - a. CV-333 – Defendant Leary’s motion to dismiss the third-party complaint is granted, the court noting the pending cross-claim asserting substantively the same claim. The various motions to strike are denied as moot. The Court further notes for all parties the applicable legal maxim “what goes around, comes around.”
 - b. CV-444 - After careful consideration, the Court has decided to deny the court’s own motion raised sua sponte to strike the incomprehensible language in defendant Pilly’s answer as violative of the spirit of Rule 8 calling for “plain” statements or language. The Court, however, cautions counsel for Pilly to avoid highlighting the ignorance of the Court in the future. With regard to the Rule 12(e) motion filed by Pilly with regard to defendant Leary’s cross-claim, the Court orders the two parties to confer during the upcoming discovery planning meeting to determine what specific transactions and products are involved. If after that meeting defendant Pilly is still unsure the Court will entertain the motion at hearing if necessary.
 - c. CV-777 – Defendant Pilly’s motion to dismiss for failure to state a claim is denied.

d. CV-888 – Defendant Pilly’s motion to dismiss for failure to state a claim is denied, but the motion to strike paragraph 6 is granted.

4. All outstanding answers to any claims or cross-claims, if any, shall be filed before March 9th.

DATED this 5th day of March, 2007.

/s/ D Blaze
Judge