

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LOGANTREE LP

*Plaintiff,*

v.

GARMIN INTERNATIONAL, INC.

*Defendant.*

CIVIL ACTION NO. 6:17-CV-01217

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UNOPPOSED MOTION FOR LEAVE TO FILE CORRECTED RESPONSE TO  
GARMIN'S MOTION FOR SUMMARY JUDGMENT

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Plaintiff LoganTree LP (“LoganTree”) respectfully files this Unopposed Motion for Leave to File a Corrected Response to Defendant Garmin International, Inc.’s (“Garmin”) Motion for Summary Judgment (Dkt. No. 194) (“the Motion”). Prior to filing the Motion, LoganTree’s counsel circulated the Motion and supporting exhibits to Garmin’s Counsel. Garmin’s Counsel indicated that Garmin is unopposed to this Motion for Leave. In support of the Motion, LoganTree states as follows:

On January 13, 2022, LoganTree filed its Response to Garmin’s Motion for Summary Judgment (“Response”). Dkt. No. 194. In support of its Response, LoganTree attached as Exhibit B excerpts from its expert Monty Myers’s certified deposition transcript, which LoganTree cited to throughout its Response. Dkt. No. 194.3. Due to a drafting oversight, however, most (but not all) of the Myers deposition citations in LoganTree’s Response used the page numbering for an earlier, rough-draft version of the transcript that LoganTree’s counsel had used when drafting the Response. As a result, many of the citations to the Myers transcript citations in LoganTree’s Response do not correspond to the pages attached as Exhibit B. The page numbering used in

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LoganTree's citations was then used to "pull" the transcript pages compiled as Exhibit B, resulting in an incorrect selection of pages for the exhibit filed with LoganTree's Response. LoganTree's counsel only recently became aware of this error, for which they respectfully apologize to the Court.

LoganTree now files the Motion respectfully seeking the Court's leave to correct the citations to Myers's deposition transcript in its Response and for leave to file a corrected Exhibit B containing the intended selection of transcript pages. In support of this Motion, LoganTree has attached hereto as **Exhibit 1** the Corrected Response to Garmin's Motion for Summary Judgment, which contains the corrected citations along with the corrected Exhibit B and the other exhibits that LoganTree initially filed with the Court that are unmodified.<sup>1</sup> In addition to **Exhibit 1**, LoganTree has also attached hereto **Exhibit 2**, a redline between the proposed corrected response and the initially filed response, and **Exhibit 3**, a table capturing the changes in citations between the proposed corrected response and the initially filed response.

LoganTree does not bring this Motion in order to "supplement" its summary judgment evidence or to present new or different evidence or arguments. The sole purpose of this Motion is to correct a drafting error resulting from an understandable mistake about two differently-numbered versions of the same deposition transcript. LoganTree brings this Motion not for the purpose of delay, but solely that justice may be done. Counsel for Garmin have indicated that Garmin is unopposed to the relief sought.

Therefore, LoganTree respectfully asks that the Motion be granted and the attached Corrected Response to Garmin's Motion for Summary Judgment, which contains the corrected

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<sup>1</sup> The unredacted version of Exhibit A is filed at Dkt. No. 197.

citations along with the corrected Exhibit B and the other exhibits that LoganTree initially filed with the Court that are unmodified, be filed with the Court.

Respectfully submitted by:

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*and*

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*Counsel for Plaintiff*

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 25, 2022, I electronically filed a copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record for all parties in the case.

/s/Clayton J. Kaiser  
Clayton J. Kaiser, #24066

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 16-18 & 23-24 2022, I conferred with counsel for Garmin on the above styled Motion and they indicated that they are unopposed to the Motion.

/s/Clayton J. Kaiser  
Clayton J. Kaiser, #24066

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