IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.	:	CIVIL ACTION
	:	NO. 08-3830
v.	:	
	:	
MJC AMERICA, LTD.	:	
d/b/a SOLEUS INTERNATIONAL, INC.	:	
	:	

ORDER

AND NOW, this 18th day of July, 2011, after consideration of plaintiff QVC's motion for summary judgment as to Count V of plaintiff's complaint, QVC's motion for summary judgment as to Counts VII, IX, and XI of plaintiff's complaint, defendant's opposition to QVC's motions, and QVC's replies to defendant's opposition, it is ORDERED that:

(1) QVC's motion for summary judgment as to Count V of plaintiff's complaint, which pertains to unsold heaters, is DENIED;

(2) QVC's motion for summary judgment as to Counts VII, IX, and XI of plaintiff's complaint is GRANTED as follows:

(a) the motion is GRANTED with respect to Soleus's liability to refund QVC for shipped and unshipped customer return merchandise;

(i) judgment is entered in favor of QVC and against MJC America, Ltd. d/b/a Soleus International, Inc. in the amount of $284,353.75 for QVC's damages for shipped customer return merchandise;

(ii) the issue of QVC's damages with respect to Soleus's liability for unshipped customer return merchandise will be held for trial;

(b) the motion is GRANTED with respect to Soleus' liability for prejudgment

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interest;

(i) judgment is entered in favor of QVC and against MJC America, Ltd. d/b/a Soleus International, Inc. for prejudgment interest for shipped customer return merchandise in the amount of $55,667.34;

(ii) Judgment is entered in favor of QVC and against MJC America, Ltd. d/b/a Soleus International, Inc. for prejudgment interest for unshipped customer return merchandise in an amount to be determined after QVC's damages for unshipped merchandise are decided at trial.

(c) the motion is GRANTED with respect to Soleus's liability for QVC's reasonable attorneys' fees incurred in prosecuting its claims with respect to shipped and unshipped customer return merchandise. QVC shall submit an application for such attorneys' fees within thirty days after the conclusion of trial.

It is further ORDERED that the case is listed for trial to commence on Monday, October 3, 2011 at 10:00 AM in Courtroom 4A of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, Pennsylvania. If the parties believe a settlement conference before U.S. Magistrate Judge L. Felipe Restrepo would be productive they should contact my chambers (215-597-2750) promptly.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.