

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

AATRIX SOFTWARE, INC.,

Plaintiff,

v.

No: 3:15-cv-164-HES-MCR

GREEN SHADES SOFTWARE, INC.

Defendant.

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ORDER

THIS CAUSE is before the Court on Aatrix Software, Inc.'s ("Aatrix") "*Daubert* Motion to Exclude Opinions of Defendant Green Shades Damages Expert Michele M. Riley" (Dkts. 213, S-231), and Green Shades Software, Inc.'s ("Green Shades") "Response in Opposition to Plaintiff's *Daubert* Motion to Exclude Opinions of Defendant's Damages Expert Michelle M. Riley and Memorandum of Law in Support" (Dkt. 310). The Court subsequently requested additional briefing on the matter and the parties complied in docket entries 316 (Aatrix's submission) and 320 (Green Shades' submission).

The Court has previously outlined the relevant standards when considering a *Daubert* Motion (Dkt. S-310); it need not repeat them here.

In view of *Daubert* caselaw and upon review of the supplemental briefing provided by the parties, the Court is inclined to deny Aatrix's Motion to exclude Ms. Riley's testimony.

Since the close of briefing, the trial in this matter has been delayed to the Spring of 2022 due to the challenges posed by the COVID-19 pandemic and the scheduling needs of the Court and the parties. (See Dkts. 325, 327).

Ms. Riley relied on queries of the CRM database, the specifics of which and the underlying data used, Aatrix does not have access to. Therefore, Aatrix's ability to cross-examine Ms. Riley's methodology and opinions at trial may be hampered. Aatrix should have access to the underlying data from which the spreadsheet at issue, the 8024 spreadsheet, was produced. Additionally, Aatrix has not had opportunity to cross examine the individual, Mr. Kane, who provided the data set to Ms. Riley on this issue.

Therefore, the Court is reopening discovery for two limited purposes: (1) for Aatrix to access the underlying, unfiltered data set in the CRM relied upon by Ms. Riley, including TFC, PTS and YEF sales data; and (2) to re-open Mr. Kane's deposition, limited only to questions regarding discussions between he and Ms. Riley, the 8024 spreadsheet, and his queries and methods as it relates to the CRM software database.

Given the onset of the busy-tax season for the parties, the Court trusts the parties' abilities to amicably schedule this discovery. Should the parties

need Court intervention in terms of the additional discovery, they may make a Motion before the Court.

Accordingly, it hereby **ORDERED**:

1. Aatrix's "*Daubert* Motion to Exclude Opinions of Defendant Green Shades Damages Expert Michele M. Riley" (Dkts. 213, S-231) is **DENIED without prejudice**;
2. Discovery is re-opened for the limited purposes outlined above.

**DONE and ORDERED** at Jacksonville, Florida, this 29<sup>th</sup> day of September, 2021.

  
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**HARVEY E. SCHLESINGER**  
UNITED STATES DISTRICT JUDGE

**Copies to:**

Aaron Johnson, Esq.  
Joanne M. O'Connor, Esq.  
John B. Lunseth, Esq.  
Mira Vats-Fournier, Esq.  
Joseph A. Bain, Esq.  
H. Timothy Gillis, Esq.  
Jeffrey S. York, Esq.  
Nancy A. Johnson, Esq.  
Ethan A. Way, Esq.  
Woodrow H. Pollack, Esq.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Approved: \_\_\_\_\_  
Director

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Verfahren zur Ermittlung des Energiepotentials

[illegible]

Project	Year	Value
1. Construction of a new bridge over the River Thames	2015	£12.5m
2. Renovation of the historic building at 10 Downing Street	2016	£8.7m
3. Development of a new housing estate in the City of London	2017	£25.3m
4. Upgrade of the London Underground's signalling system	2018	£18.9m
5. Construction of a new airport terminal at Heathrow	2019	£35.6m
6. Renovation of the Royal Opera House	2020	£15.2m
7. Development of a new business park in the Midlands	2021	£22.1m
8. Upgrade of the National Rail network	2022	£19.8m
9. Construction of a new hospital in the North East	2023	£28.4m
10. Renovation of the Houses of Parliament	2024	£11.5m

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1. The first part of the document is a list of names and addresses, which are arranged in two columns. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list includes names such as "John A. Smith", "Mary E. Jones", and "Robert L. Brown".