

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                 |   |                               |
|-----------------|---|-------------------------------|
| VALERY VINAROV, | ) |                               |
|                 | ) |                               |
| Plaintiff,      | ) | Case No. 05 C 2063            |
|                 | ) | Magistrate Judge Susan E. Cox |
| v.              | ) |                               |
|                 | ) |                               |
| MOTOROLA, INC., | ) |                               |
|                 | ) |                               |
| Defendant.      | ) |                               |

**DEFENDANT'S MOTION FOR  
ENTRY OF JUDGMENT AS A MATTER OF LAW**

Defendant Motorola, Inc., moves at the close of Plaintiff's case, pursuant to Federal Rule of Civil Procedure 50(a)(1), for the entry of judgment in their favor and against Plaintiffs on all claims asserted by Plaintiffs as a matter of law. In support of its motion Motorola states:

1. Rule 50(a)(1) provides:

If a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue, the court may:

(A) resolve the issue against the party; and

(B) grant a motion for judgment as a matter of law against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue.

2. Plaintiff bears the burden of proof as to his claims against Motorola. But Plaintiff has rested his case without presenting a "legally sufficient evidentiary basis for a reasonable jury" to find in his favor on any of his claims.

3. Accordingly, and as set forth in greater detail in Defendants' supporting Memorandum of Law, this Court should enter judgment as a matter of law in favor of Motorola and against Plaintiff on all claims asserted by Plaintiff.

WHEREFORE, Motorola respectfully request that this Court enter judgment as a matter of law in its favor and against Plaintiff.

Respectfully submitted,

MOTOROLA, INC.

By: s/Noah A. Finkel  
One of Its Attorneys

**Dated: June 18, 2008**

Noah A. Finkel  
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**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that he caused a true and correct copy of the foregoing DEFENDANT'S MOTION FOR ENTRY OF JUDGMENT AS A MATTER OF LAW, to be served upon the following:

Arthur S. Gold  
GOLD & COULSON  
11 S. LaSalle Street  
Suite 2402  
Chicago, Illinois 60603

by hand delivery and via the Court's electronic filing system, on this Eighteenth day of June, 2008.

/s/ Benjamin E. Gehrt  
Benjamin E. Gehrt