

**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 SECOND MOTION FOR
ENTRY OF JUDGMENT AS A MATTER OF LAW**

Defendant Motorola, Inc., moves at the close of the evidence, pursuant to Federal Rule of Civil Procedure 50(a)(1), for the entry of judgment in its favor and against Plaintiff Valery Vinarov on all claims asserted by Plaintiff 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. At the close of the evidence in this case, the evidence establishes that Plaintiff has not presented 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 Motorola's 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 requests that this Court enter judgment as a matter of law in its favor and against Plaintiff.

Respectfully submitted,

MOTOROLA, INC.

By: s/Jessica E. Chmiel
One of Its Attorneys

Dated: June 19, 2008

Noah A. Finkel
Jessica E. Chmiel
Benjamin E. Gehrt
SEYFARTH SHAW LLP
131 S. Dearborn Street, Suite 2400
Chicago, Illinois 60603
(312) 460-5000

CERTIFICATE OF SERVICE

The undersigned attorney certifies that he caused a true and correct copy of the foregoing
DEFENDANT’S SECOND 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 19th day of June, 2008.

/s/ Benjamin E. Gehrt
Benjamin E. Gehrt