

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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GUARDHAT INC.,

Plaintiff,

- v -

CB TECHNOLOGIES, INC.,

Defendant.

INDEX NO. 653715/2023

MOTION DATE

MOTION SEQ. NO. 003

DECISION + ORDER ON MOTION

-----X

HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 003) 88, 89, 90, 91, 92, 93, 94, 95, 96

were read on this motion to/for PRECLUDE

In motion seq. no. 003, defendant moves to bar testimony at trial of sales by plaintiff in 2024. Defendant asserts that the parties agreed that the time period at issue is January 1, 2021 to February 26, 2024, and thus, any testimony related to sales after that time period is barred. As plaintiff asserts, defendant fails to provide any legal support that such testimony is inadmissible. Further, the fact that the parties agreed to conduct searches for the purpose of document production during a certain time period does not necessarily mean that testimony regarding sales after February 26, 2024 is barred from trial, and again, defendant provides no support for this proposition. The court urges the parties to review the Part 48 Trial Procedures.

[Handwritten signature of Andrea Masley]

10/26/2025

DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

- CASE DISPOSED
GRANTED
SETTLE ORDER
INCLUDES TRANSFER/REASSIGN
DENIED

- NON-FINAL DISPOSITION
GRANTED IN PART
SUBMIT ORDER
FIDUCIARY APPOINTMENT
OTHER
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: