

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVA MARIA BEALE.,
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Plaintiff,
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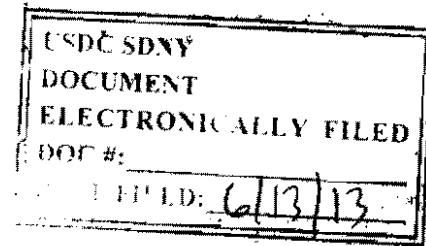
-against-
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ALEXIS BITTAR, INC., A JEWELRY
WONDERLAND, ALENE TOO, LLC,
BLOOMINGDALES, INC., BON LEMON, LLC,
BOUTIQUE TERE, INC., CONTEMPORARY
CONCEPTS PLUS, INC., DANDELION
JEWELRY, GREENWICH JEWELERS, INC.,
HEYWARD & HANNA, LLC, KIKI, INC.,
KRISTA K. BOUTIQUES, INC., JTCT, INC.,
LANE KNIGHT, NEIMAN MARCUS, INC.,
NORDSTROM, INC., RAINBOW BRIDGE
JEWELERS, REGENCIES, SAHAR'S
CONTINENTAL SHOPS, SAKS, INC.,
SCARLETT ALLEY, TCP ARTFORMS, LLC,
VERBENA GIFTS, INC., WELLINGTON &
COMPANY, LLC and ZOE BLOOM, INC.,
:

Defendants.
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X

**ORDER DENYING DEFENDANT
ALEXIS BITTAR'S MOTIONS TO
DISMISS AND TO SEVER**

12 Civ. 7902 (AKH)



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ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant Alexis Bittar, Inc., before substantial discovery has been undertaken, moves for summary judgment to dismiss Plaintiff's claim for recovery of Defendants' profits. Alexis Bittar argues that the claim requires a finding of willfulness, but that there are no relevant facts. If that were so, it would not take Alexis Bittar 14 pages to explain their position. This is a determination better made after discovery. I deny the motion as premature.

Alexis Bittar moves also to bifurcate the case, arguing that issues of liability and profits are different. They may be different in various respects, but witnesses and documents

tend to overlap issues. Contrary to Alexis Bittar's argument, bifurcation at this point will tend to add proceedings, motions and arguments. I deny the motion.

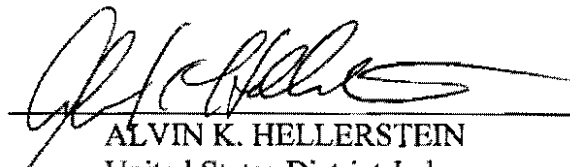
The Clerk will mark document numbers 23 and 28 terminated.

Defendants who have yet to answer and who have been properly served by June 15, 2013 shall file Answers by July 8, 2013. I shall meet with the parties' counsels on July 19, 2013, 10:00 a.m. for their Initial Case Management Plan. I expect counsel to meet well before then, to agree to a plan of discovery, and to exchange disclosure documents.

SO ORDERED.

Dated:

June 12, 2013,
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge