

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SANMINA CORPORATION,	:	
	:	1:19-cv-11710-KPF
Plaintiff,	:	
	:	Related Case No.:
vs.	:	1:19-cv-11712-KPF
	:	
DIALIGHT PLC,	:	
	:	
Defendant.	:	
-----X		

**SANMINA CORPORATION’S NOTICE OF MOTION FOR PARTIAL SUMMARY
JUDGMENT**

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NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying (1) Memorandum of Law of Sanmina Corporation (“Sanmina”) in Support of Its Motion for Partial Summary Judgment; (2) the Compendium of Evidence in Support of Samina’s Motion for Partial Summary Judgment (incorporating the Declaration of Jorge Camacho); (3) Sanmina’s Statement of Undisputed Facts Pursuant to Rule 56.1 of the Local Civil Rules for the Southern District of New York; and the pleadings on file in this action, Sanmina, by and through its attorneys, hereby moves this Court, before the Honorable Katherine Polk Failla at the United States Courthouse, 40 Foley Square, Courtroom 618, New York, New York, 10007, at such time as the Court may direct, for an order granting partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. By this motion, Sanmina seeks partial summary judgment on Dialight’s First and Third Claims for Relief for, respectively, Fraudulent Inducement and Gross Negligence/Willful Misconduct, and on Count One of its First Amended Complaint (known as the “A/R Claim”). Alternatively, as to Dialight’s Complaint, Sanmina seeks a ruling that the limitations of liability in the parties’ contract, known as the Manufacturing Services Agreement (“MSA”), are fully enforceable.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court’s March 17, 2022 Order, opposition papers shall be served on or before June 16, 2022, and reply papers shall be served on or before July 18, 2022.

Dated: May 2, 2022

ERVIN COHEN & JESSUP LLP
and
RICH, INTELISANO & KATZ, LLP

By: /s/ Michael C. Lieb

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PROOF OF SERVICE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2974.

On May 2, 2022, I served true copies of the following document(s) described as **SANMINA CORPORATION'S NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT** on the interested parties in this action as follows:

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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be electronically transmitted to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 2, 2022, at Beverly Hills, California.

/s/ Andrew J. Peterson
Andrew J. Peterson