

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION

FORBA HOLDINGS, LLC, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. 4:08-cv-00137-JHM-ERG  
 )  
 DEBBIE HAGAN, )  
 )  
 Defendant. )

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

The plaintiff, FORBA Holdings, LLC ("FORBA"), pursuant to Fed. R. Civ. P. 56 and LR 7.1(a), hereby moves for partial summary judgment on the issue of its entitlement to its attorney's fees as the prevailing party under KRS § 365.886. As grounds for this motion, FORBA states that the Court has already entered permanent injunctive relief against Hagan, enjoining her past and any future misappropriations of trade secrets of FORBA. An award of attorney's fees is warranted because there are no genuine issues of material fact as to Hagan's actions in misappropriating FORBA's trade secrets and the willful and malicious nature of those actions, and because FORBA is entitled to judgment as a matter of law.

In support of this motion, FORBA submits the following:

1. The contemporaneously filed Declaration of Jonathan D. Rose, with attached Exhibits A and B thereto.
2. The contemporaneously filed Memorandum in Support of Motion for Partial Summary Judgment.

WHEREFORE, FORBA respectfully requests that the Court grant this motion for partial summary judgment and hold that FORBA is entitled to an award of attorney's fees as the prevailing party under KRS § 365.886.

Respectfully submitted,

/s/ Jonathan D. Rose

Thor Y. Urness (admitted *pro hac vice*)  
Jonathan D. Rose (Ky. Bar No. 88547)  
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*Attorneys for Plaintiff*

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Partial Summary Judgment is being served via first class U.S. Mail, postage prepaid on this the 20th day of December, 2008, to the following:

Debbie Hagan  
4453 Strickland Drive  
Owensboro, KY 42301-6519

/s/ Jonathan D. Rose

Jonathan D. Rose