

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

PERFORMANCE CHEVROLET,)	
INC.,)	Case No. CV-04-244-S-BLW
)	
Plaintiff,)	AMENDED JUDGMENT
)	
v.)	
)	
MARKET SCAN INFORMATION)	
SYSTEMS, INC.,)	
)	
Defendant.)	
_____)	

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED, that the prior Judgment (Docket No. 184) setting forth the jury verdict
plus interest is affirmed in all respects and incorporated fully herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the
motion for judgment as a matter of law or for new trial filed by Market Scan
(Docket No. 193) is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the
motion for directed verdict filed by Performance (Docket No. 196) is DEEMED
MOOT IN PART AND DENIED IN PART. It is deemed moot to the extent it

seeks a ruling that Market Scan failed to prove its affirmative defense that this suit is barred by the statute of limitations. It is denied to the extent it seeks to overturn the jury's verdict that Performance waived its right to seek damages for the breach of the first lease agreement signed in 1998.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the motion to strike the motion for directed verdict (Docket No. 214) is DEEMED MOOT.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the amended motion for attorney fees and costs filed by Performance (Docket No. 206) is GRANTED and that Performance have as attorney fees the sum of \$175,649.80 and as costs the sum of \$7,533.12, for a total fee and cost award of \$183,182.92.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the original motion for fees and costs filed by Performance (Docket No. 186) is DEEMED MOOT.

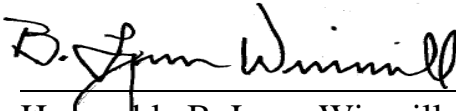
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the motion for fees and costs filed by Market Scan (Docket No. 191) is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the motion to set aside and review the Clerk's cost award, filed by Market Scan (Docket No. 221) is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the motion for stay pending resolution of the motion for judgment as a matter of law, filed by Market Scan (Docket No. 190) is DEEMED MOOT.



DATED: **March 28, 2007**


Honorable B. Lynn Winmill
Chief U. S. District Judge