

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

CHOOSECO LLC, :
Plaintiff, :
 :
v. : File No. 1:07-CV-159
 :
LEAN FORWARD MEDIA LLC, :
Defendant. :
 :
_____ :

RULING ON DEFENDANT'S MOTION TO WITHDRAW OR DEFER JUDGMENT
(Paper 152)

Plaintiff Chooseco initiated this lawsuit seeking a declaratory judgment that it lawfully terminated its contract with Defendant Lean Forward Media ("LFM"). LFM asserted a number of counterclaims seeking damages for Breach of Contract, Fraud, Tortious/Intentional Interference with Prospective Economic Advantage, Unjust Enrichment, Trade Disparagement, and Breach of the Implied Covenant of Good Faith and Fair Dealing. The parties' claims were tried before a jury which returned a verdict for the Plaintiff.

LFM now seeks a ruling from the Court on its unclean hands defense, claiming Chooseco engaged in misconduct that led to LFM's inability to perform under the License Agreement. For example, LFM claims Chooseco failed to market The Abominable Snowman DVD as promised and interfered with LFM's attempt to negotiate a potentially profitable interactive television show.

(Paper 134 at 25.) LFM argues Chooseco came to the Court with unclean hands, and therefore judgment should not be entered in Chooseco's favor.

The Court disagrees. LFM did not provide sufficient evidence that Chooseco "transgress[ed] equitable standards of conduct" by acting fraudulently or in bad faith to prevent LFM from performing under the parties' License Agreement. Starr Farm Beach Campowners Ass'n, Inc. v. Boylan, 174 Vt. 503, 506, 811 A.2d 155, 160 (2002) ("Any willful act concerning the cause of action which . . . transgress[es] equitable standards of conduct is sufficient cause for the invocation of the [unclean hands] maxim"). The Court therefore denies LFM's motion and orders the Clerk to enter judgment for the Plaintiff in accordance with the jury's verdict.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 20th day of May, 2009.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge