

ORLEANS PARISH CIVIL DISTRICT COURT

STATE OF LOUISIANA

NO.: 2007 - 3665

SECTION: "15"

DIVISION: "B"

ACTIVE SOLUTIONS, L.L.C. AND
SOUTHERN ELECTRONICS SUPPLY, INC.

versus

DELL, INC., THOMAS H. WELCH, JR., AND STEVE RENEKER, ET AL.

FILED: _____

DEPUTY CLERK

SIXTH AMENDED AND SUPPLEMENTAL PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come plaintiffs, Active Solutions, L.L.C. ("Active Solutions") and Southern Electronics Supply, Inc. ("Southern Electronics") (collectively, "Plaintiffs"), who respectfully file this Sixth Amended and Supplemental Amended Petition for Damages, by incorporating *in extenso* its original Petition for Damages filed on April 20, 2007; its First Amended and Supplemental Petition for Damages filed on April 30, 2007; its Second Amended and Supplemental Petition for Damages filed on October 3, 2007; its Third Amended and Supplemental Petition for Damages filed on March 24, 2008; its Fourth Amended and Supplemental Petition for Damages filed on August 4, 2008; and its Fifth Amended and Supplemental Petition for Damages filed on October 7, 2008.

1.

By deleting Paragraph 118 of the Fourth Amended and Supplemental Petition for Damages as incorporated into the Fifth Amended and Supplemental Petition for Damages.

2.

By supplementing Paragraph 119 of the Fourth Amended and Supplemental Petition for Damages as incorporated into the Fifth Amended and Supplemental Petition for Damages as follows:

119.

Louisiana Revised Statute § 51:1409 provides a private right of action for "[a]ny person who suffers any ascertainable loss of money or movable property...as a result of the use or employment by another person or an unfair or deceptive method, act, or practice declared unlawful by Rev. Stat. § 51:1405, may bring an action individually...to recover actual damages."

2/27/09

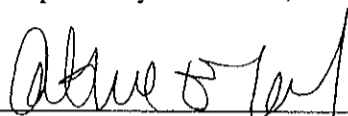
3.

By adding the following paragraph immediately after Paragraph 187 of the Fifth Amended and Supplemental Petition for Damages.

188.

Plaintiffs re-allege and incorporate the foregoing facts alleged herein by reference and each and every cause of action as set forth in the Fifth Amended and Supplemental Petition for Damages.

Respectfully submitted,



GLADSTONE N. JONES, III (#22221)
LYNN E. SWANSON (#22650)
PAUL H. VILLALOBOS (#22881)
CATHERINE E. LASKY (#28652)
JONES, SWANSON, HUDDLELL & GARRISON, L.L.C.
601 Poydras Street, Suite 2655
New Orleans, Louisiana 70130
Telephone: (504) 523-2500
Telecopier: (504) 523-2508

and

JAMES M. GARNER (# 19589)
CHRISTOPHER T. CHOCHÉLES (#26848)
SHARONDA R. WILLIAMS (#28809)
ASHLEY GREMILLION COKER (#30446)
AMANDA RUSSO SCHENCK (#30706)
SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.
909 Poydras Street, 28th Floor
New Orleans, Louisiana 70112-1033
Telephone: (504) 299-2100
Facsimile: (504) 299-2300
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that I have on this 27th day of February, 2009 served a copy of the foregoing upon the following counsel of record by electronic mail and U.S. Mail:

James R. Chastain
Karli Glascock Wilson
Kean, Miller, Hawthorne
18th Floor, One American Place
301 Main Street (70802)
P. O. Box 3513
Baton Rouge, LA 70821

and

Phillip Wittmann
Wayne Lee
Stone, Pigman, Walther, Wittman, LLC
546 Carondelet Street
New Orleans, LA 70130-3588
Attorneys for Dell, Inc., and the individual defendant Steve Reneker

Nancy Scott Degan
Kent Lambert
Tyler L. Weidlich
Baker Donelson Bearman, Caldwell & Berkowitz, PC
201 St. Charles Avenue, Suite 3600
New Orleans, LA 70170
Attorneys for Veracent, L.L.C., NetMethods, L.L.C., Method Investments, L.L.C.,
Mark St. Pierre and Christopher Drake

Robert Ellis
City of New Orleans Law Department
1300 Perdido Street, Suite 5E03 - City Hall
New Orleans, LA 70112
Attorney for City of New Orleans, Mayor C. Ray Nagin and Mark Kurt

Randall Smith
Michael Hill
Smith & Fawer
201 St. Charles Avenue, Suite 3702
New Orleans, LA 70170
Attorneys for Gregory Meffert

Virgil A. Lacy, III
Blue Williams, L.L.P.,
3421 North Causeway Blvd., Suite 900
Metairie, La 70002
Attorney for Imagine Software, L.L.C.

Christine Lipsey
McGlinchey Stafford, PLLC
One American Place, 14th Floor
Baton Rouge, LA 70825
Attorney for CIBER, Inc.

