

248 F.R.D. 169  
(Cite as: 248 F.R.D. 169)



United States District Court,  
D. Delaware.  
WYETH, Plaintiff,  
v.  
IMPAX LABORATORIES, INC., Defendant.

No. Civ.A. 06-222-JJF.  
Oct. 26, 2006.

**Background:** Manufacturer of brand name drug filed patent infringement action against manufacturer of generic version of that drug. Defendant filed motion to compel production of documents.

**Holdings:** The District Court, [Joseph J. Farnan, Jr., J.](#), held that:

- (1) defendant's discovery request was overly broad;
- (2) plaintiff was not required to produce electronic documents in their native format; and
- (3) plaintiff failed to demonstrate good cause to redistribute discovery costs.

Motion granted in part and denied in part.

West Headnotes

**[1] Patents 291** **292.3(2)**

[291](#) Patents  
[291XII](#) Infringement  
[291XII\(B\)](#) Actions  
[291k292](#) Discovery  
[291k292.3](#) Production of Documents and Things  
[291k292.3\(2\)](#) k. Subject matter. [Most Cited Cases](#)

Alleged infringer's request for all documents in separate litigation involving patent-in-suit was overly broad, and thus would be limited to documents dealing with claim construction, validity, and enforcement of patent-in-suit. [Fed.Rules Civ.Proc.Rule 26, 28 U.S.C.A.](#)

**[2] Federal Civil Procedure 170A** **1551**

[170A](#) Federal Civil Procedure  
[170AX](#) Depositions and Discovery  
[170AX\(E\)](#) Discovery and Production of Documents and Other Tangible Things  
[170AX\(E\)1](#) In General  
[170Ak1551](#) k. In general. [Most Cited Cases](#)

**Federal Civil Procedure 170A** **1559**

[170A](#) Federal Civil Procedure  
[170AX](#) Depositions and Discovery  
[170AX\(E\)](#) Discovery and Production of Documents and Other Tangible Things  
[170AX\(E\)1](#) In General  
[170Ak1558](#) Objections and Grounds for Refusal  
[170Ak1559](#) k. Expense and inconvenience. [Most Cited Cases](#)

Producing party must preserve integrity of electronic documents it produces, and failure to do so will not support contention that production of documents in native format is overly burdensome. [Fed.Rules Civ.Proc.Rule 26\(f\), 28 U.S.C.A.](#)

**[3] Patents 291** **292.3(2)**

[291](#) Patents  
[291XII](#) Infringement  
[291XII\(B\)](#) Actions  
[291k292](#) Discovery  
[291k292.3](#) Production of Documents and Things  
[291k292.3\(2\)](#) k. Subject matter. [Most Cited Cases](#)

Plaintiff in patent infringement action was not required to produce electronic documents in their native format, complete with metadata, where plaintiff produced documents as image files, and defendant failed to demonstrate particularized need for metadata. [Fed.Rules Civ.Proc.Rule 26\(f\), 28 U.S.C.A.](#)

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#### [\[4\] Patents 291](#) [292.4](#)

##### [291 Patents](#)

##### [291XII Infringement](#)

##### [291XII\(B\) Actions](#)

##### [291k292 Discovery](#)

##### [291k292.4 k. Other matters. Most Cited](#)

##### [Cases](#)

Plaintiff in patent infringement action failed to demonstrate good cause to redistribute discovery costs, even if electronic documents requested by defendant were voluminous, where plaintiff had already produced documents in other litigation involving patent-in-suit, and organization of images filed into plaintiff's concordance database also benefited plaintiff.

\*170 [Jack B. Blumenfeld](#), [Karen Jacobs Louden](#), Morris, Nichols, Arsht & Tunnell, Wilmington, DE, for Plaintiff.

[Mary Matterer](#), Morris, James, Hitchens & Williams, Wilmington, DE, [Daniel N. Kassabian](#), Samuel Ernst, Pro Hac Vice, for Defendant.

#### MEMORANDUM ORDER

[JOSEPH J. FARNAN, JR.](#), District Judge.

Pending before the Court is Defendant Impax's ("Impax") Motion To Compel Production Of Documents (D.I. 36). The Motion concerns a series of issues that the court will address individually. For the reasons discussed, the Motion will be granted in part and denied in part.

#### 1. *Production Of Pleadings, Deposition Transcripts, Hearing Transcripts And Orders From The Teva Litigation*

By its Motion, Impax contends that Plaintiff Wyeth ("Wyeth") has "refused to produce all pleadings, deposition transcripts, hearing transcripts, expert reports, and orders from its lawsuit against Teva Pharmaceuticals in the District of New Jersey, No. 03-CV-1293 ("Teva Litigation")[.]" (D.I. 36). The basis for Impax's request is a contention that because the patents at issue in the Teva Litigation are the same patents at issue in this case, all documents in the Teva Litigation are relevant here.

In response, Wyeth contends that the request is overly broad and unreasonable, and that Wyeth has produced all relevant documents from the Teva Litigation, namely, those dealing with claim construction and patent validity. (D.I. 41). Wyeth has also agreed to produce documents from the Teva Litigation relating to validity and enforcement of the patent at issue. *Id.*

Pursuant to [Rule 26 of the Federal Rules of Civil Procedures](#), "[p]arties may obtain discovery of any matter, not privileged, that is relevant to the claim or defense of any party." *Fed. R. Civ. P. 26(b)(1)*. A court \*171 may limit discovery "if the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues." *Id.* at 26(b)(2).

[1] The Court concludes that Wyeth's proffered production is reasonable, and that Impax's request for all documents from the Teva Litigation is overly broad. The Court finds that Impax has not demonstrated why it is entitled to documents from the Teva Litigation involving matters not at issue in this litigation. Also, Impax has not shown that the documents requested from the Teva Litigation, beyond what Wyeth has already produced or offered to produce, are critical to resolving the issues before the Court. Thus, this portion of Impax's Motion is denied.

#### 2. *Production Of Responsive Documents In Their Native Format*

Impax contends that Wyeth should be ordered to produce electronic documents in their native format, complete with metadata, and not in the Tagged Image File Format ("TIFF") in which they were produced. (D.I. 36). Impax also contends that a document database created by Wyeth for purposes of the Teva Litigation is discoverable and should be produced. In response, Wyeth contends that Impax is not entitled to electronic copies in their natural state for two reasons: (1) Impax has not made a particularized showing of need for the metadata, and (2) collection of this data would be overly burdensome. (D.I. 41).

Metadata is defined as "information describing the history, tracking, or management of an electronic document." *Shirley Williams, et al., v. Sprint/United Management Co.*, 230 F.R.D. 640, 646 (D.Kan.2005)

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(quoting Proposed Advisory Committee Note to [Federal Rule of Civil Procedure 26\(f\)](#), available at <http://www.uscourts.gov/rules/comment/2005/CVAug04.pdf#page=40>). Removal of metadata from an electronic document usually requires an affirmative alteration of that document, through scrubbing or converting the file from its native format to an image file, for example. See [Williams, 230 F.R.D. at 653](#). Most metadata is of limited evidentiary value, and reviewing it can waste litigation resources. [Id. at 651](#).

[2] “Emerging standards of electronic discovery appear to articulate a general presumption against the production of metadata[.]” [Id. at 651](#). The Default Standard for Discovery of Electronic Documents utilized in this District follows this general presumption. Paragraph 6 directs parties to produce electronic documents as image files (e.g. PDF or TIFF) if they cannot agree on a different format for production. “Default Standard For Discovery of Electronic Documents (‘E-Discovery’),” Ad Hoc Committee for Electronic Discovery of the U.S. District Court for the District of Delaware, [http://www.ded.uscourts.gov/Announce/Policies/Policy\\_01.htm](http://www.ded.uscourts.gov/Announce/Policies/Policy_01.htm). [hereinafter “Default Standard”]. However, if the requesting party can demonstrate a particularized need for the native format of an electronic document, a court may order it produced. *Id.* Therefore, the producing party must preserve the integrity of the electronic documents it produces. *Id.* Failure to do so will not support a contention that production of documents in native format is overly burdensome.

[3] Since the parties have never agreed that electronic documents would be produced in any particular format, Wyeth complied with its discovery obligation by producing image files. Further, neither party has argued that the need for accessing metadata was foreseeable or generally necessary. Finally, Impax has not demonstrated a particularized need for the metadata or database production it has requested. Therefore, this part of Impax's Motion is denied.

### 3. Production of Responsive Documents From Locations and Facilities Outside the United States

Impax's Motion seeks to compel Wyeth to produce documents from Wyeth's foreign facilities, contending that Wyeth's production is not complete. Particularly, Impax references a European clinical study relied upon in support of the patent-in-suit as well as documents related to litigation of foreign-**172**

equivalent patents-in-suit. In response, Wyeth contends that it has produced 1.3 million pages of documents from domestic and foreign facilities, has agreed to produce all documents relating to the European clinical study, and that relevant documents pertaining to conception and reduction to practice have always been located exclusively in the United States, and have been produced. (D.I. 41, 42). Further, Wyeth has agreed to update production of correspondence to or from those foreign patent offices in which counterpart cases have been filed.

Because the Court is convinced that the foreign documents identified by Impax in this Motion, or domestic copies thereof, have or will soon be produced by Wyeth, this part of Impax's Motion will be denied.

### 4. Production of All Responsive Documents Generated After February 10, 2003

Impax contends that, except for self-selected discrete categories, Wyeth is refusing to look for or produce documents created or generated after February 10, 2003. Wyeth, in response, contends that documents created after February 10, 2003 are irrelevant and that updating the search would be burdensome and unlikely to produce relevant material. Wyeth also contends that it has offered to update searches in those areas that might possibly have subsequent relevant documents generated after February 2003.

The Court finds that Wyeth's proffered production is reasonable. Wyeth has identified those areas where relevant documents may have been created or generated after February 2003, and is willing to continue to augment its discovery responses. Since Impax has not demonstrated that the broad search it asks for will generate additional relevant documents, the Court concludes that the burden of production on Defendant outweighs its likely benefit to Impax. Accordingly, this portion of Impax's Motion is denied.

### 5. Burden of Discovery Costs

Impax contends that Wyeth has refused to produce documents unless Impax pays Wyeth's imaging costs, and seeks an order compelling Wyeth to bear its own discovery costs. (D.I. 36, 42). Wyeth contends, only by reference, that it is under no obligation to pay for copying costs of voluminous materials. (D.I. 41).

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[4] The Default Standard, Paragraph 9, states that the costs of discovery are borne by each party, only to be apportioned upon a showing of good cause to redistribute discovery costs. The Court finds there has been no showing of good cause. Wyeth's Teva Litigation materials were converted to image files at Wyeth's request in preparation for Wyeth's prosecution of Teva. Even adopting Wyeth's veiled argument that these materials are voluminous, the cost of production is not, as Wyeth argues, one-half the cost Wyeth incurred in imaging the materials. At most, the cost would be that of copying the already-imaged files. As to documents produced exclusively in this litigation, Wyeth has not shown good cause for requiring Impax to pay the "copying" cost of Wyeth's complete imaging fee. Particularly, Wyeth has not shown that this group of documents is overly voluminous. Further, the Court finds that Impax is not the only party benefitting from the organization of these documents into Wyeth's Concordance database; Wyeth is also a beneficiary of its imaged files. In view of the Default Standard provisions, the Court is not persuaded that deviation from the Default Standard indicating costs should be borne by the parties is warranted. Therefore, this part of Impax's Motion is granted.

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant Impax Laboratories, Inc.'s Motion To Compel Production Of Documents (D.I. 36) is ***GRANTED IN PART AND DENIED IN PART***, as detailed in this Memorandum Order.

D.Del.,2006.  
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END OF DOCUMENT



**KEYCITE**

 [Wyeth v. Impax Laboratories, Inc.](#), 248 F.R.D. 169 (D.Del., Oct 26, 2006) (NO. CIV.A. 06-222-JJF)







**History****Direct History**

=> [1](#) **Wyeth v. Impax Laboratories, Inc.**, 248 F.R.D. 169 (D.Del. Oct 26, 2006) (NO. CIV.A. 06-222-JJF)

**Negative Citing References (U.S.A.)***Distinguished by*

-  [2](#) Bray & Gillespie Management LLC v. Lexington Ins. Co., 259 F.R.D. 568 (M.D.Fla. Mar 04, 2009) (NO. 607-CV-222-ORL-35KRS) ★ ★ **HN: 2,3 (F.R.D.)**
-  [3](#) Inventio AG v. ThyssenKrupp Elevator Americas Corp., 662 F.Supp.2d 375 (D.Del. Oct 08, 2009) (NO. CIV.A. 08-874-ER) ★ ★

**Related References**

-  [4](#) EXTENDED RELEASE FORMULATION OF VENLAFAXINE HYDROCHLORIDE, US PAT 6274171, 2001 WL 925289 (U.S. PTO Utility Aug 14, 2001) (NO. 09/488629)  
*Construed by*
-  [5](#) Wyeth v. Teva Pharmaceuticals USA, Inc., 2005 WL 2175440, 2005 Markman 2175440 (D.N.J. Sep 06, 2005) (NO. 03-CV-1293(WJM)) ([Markman Order Version](#))  
*AND Construed by*
-  [6](#) Wyeth v. Impax Laboratories, Inc., 526 F.Supp.2d 474, 2007 Markman 4354985 (D.Del. Dec 13, 2007) (NO. CIV.A. 06-222-JJF) ([Markman Order Version](#))  
*AND Construed by*
-  [7](#) Wyeth v. Anchen Pharmaceuticals, 2007 WL 6548861, 2007 Markman 6548861 (C.D.Cal. Dec 20, 2007) (NO. SACV 06-386JVS(MLGX))  
*AND Construed by*
-  [8](#) Wyeth v. Sandoz, Inc., 570 F.Supp.2d 815, 2008 Markman 3522420 (E.D.N.C. Jul 03, 2008) (NO. 5:07-CV-234-D) ([Markman Order Version](#))  
*AND Construed by*
-  [9](#) Wyeth v. Lupin Ltd., 579 F.Supp.2d 711, 2008 Markman 4416667 (D.Md. Sep 29, 2008) (NO. CIV.WDQ-07-0632) ([Markman Order Version](#))

*AND Construed by*

- H** [10](#) Wyeth v. Mylan Pharmaceuticals, Inc., 2009 WL 1457732, 2009 Markman 1457732 (N.D.W.Va. May 22, 2009) (NO. CIV.A. 1:07CV91) ([Markman Order Version](#))

*AND Ruled Infringed by*

- H** [11](#) Wyeth v. Sandoz, Inc., 703 F.Supp.2d 508 (E.D.N.C. Mar 12, 2010) (NO. 5:07-CV-234-D), motion to certify appeal denied (Jul 15, 2010)

- H** [12](#) EXTENDED RELEASE FORMULATION OF VENLAFAXINE HYDROCHLORIDE, US PAT 6403120, 2002 WL 1281916 (U.S. PTO Utility Jun 11, 2002) (NO. 09/950965)

*Construed by*

- H** [13](#) Wyeth v. Teva Pharmaceuticals USA, Inc., 2005 WL 2175440, 2005 Markman 2175440 (D.N.J. Sep 06, 2005) (NO. 03-CV-1293(WJM)) ([Markman Order Version](#))

*AND Construed by*

- H** [14](#) Wyeth v. Impax Laboratories, Inc., 526 F.Supp.2d 474, 2007 Markman 4354985 (D.Del. Dec 13, 2007) (NO. CIV.A. 06-222-JJF) ([Markman Order Version](#))

*AND Construed by*

- H** [15](#) Wyeth v. Anchen Pharmaceuticals, 2007 WL 6548861, 2007 Markman 6548861 (C.D.Cal. Dec 20, 2007) (NO. SACV 06-386JVS(MLGX))

*AND Construed by*

- H** [16](#) Wyeth v. Sandoz, Inc., 570 F.Supp.2d 815, 2008 Markman 3522420 (E.D.N.C. Jul 03, 2008) (NO. 5:07-CV-234-D) ([Markman Order Version](#))

*AND Construed by*

- H** [17](#) Wyeth v. Lupin Ltd., 579 F.Supp.2d 711, 2008 Markman 4416667 (D.Md. Sep 29, 2008) (NO. CIV.WDQ-07-0632) ([Markman Order Version](#))

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- H** [18](#) Wyeth v. Mylan Pharmaceuticals, Inc., 2009 WL 1457732, 2009 Markman 1457732 (N.D.W.Va. May 22, 2009) (NO. CIV.A. 1:07CV91) ([Markman Order Version](#))

*AND Ruled Infringed by*

- H** [19](#) Wyeth v. Sandoz, Inc., 703 F.Supp.2d 508 (E.D.N.C. Mar 12, 2010) (NO. 5:07-CV-234-D), motion to certify appeal denied (Jul 15, 2010)

- H** [20](#) EXTENDED RELEASE FORMULATION OF VENLAFAXINE HYDROCHLORIDE, US PAT 6419958, 2002 WL 1561603 (U.S. PTO Utility Jul 16, 2002) (NO. 09/884412)

*Construed by*

- H** [21](#) Wyeth v. Teva Pharmaceuticals USA, Inc., 2005 WL 2175440, 2005 Markman 2175440 (D.N.J. Sep 06, 2005) (NO. 03-CV-1293(WJM)) ([Markman Order Version](#))

*AND Construed by*

- H** [22](#) Wyeth v. Impax Laboratories, Inc., 526 F.Supp.2d 474, 2007 Markman 4354985 (D.Del. Dec 13,

2007) (NO. CIV.A. 06-222-JJF) ([Markman Order Version](#))

*AND Construed by*

[H](#) [23](#) Wyeth v. Anchen Pharmaceuticals, 2007 WL 6548861, 2007 Markman 6548861 (C.D.Cal. Dec 20, 2007) (NO. SACV 06-386JVS(MLGX))

*AND Construed by*

[H](#) [24](#) Wyeth v. Sandoz, Inc., 570 F.Supp.2d 815, 2008 Markman 3522420 (E.D.N.C. Jul 03, 2008) (NO. 5:07-CV-234-D) ([Markman Order Version](#))

*AND Construed by*

[H](#) [25](#) Wyeth v. Lupin Ltd., 579 F.Supp.2d 711, 2008 Markman 4416667 (D.Md. Sep 29, 2008) (NO. CIV.WDQ-07-0632) ([Markman Order Version](#))

*AND Construed by*

[H](#) [26](#) Wyeth v. Mylan Pharmaceuticals, Inc., 2009 WL 1457732, 2009 Markman 1457732 (N.D.W.Va. May 22, 2009) (NO. CIV.A. 1:07CV91) ([Markman Order Version](#))

*AND Ruled Infringed by*

[H](#) [27](#) Wyeth v. Sandoz, Inc., 703 F.Supp.2d 508 (E.D.N.C. Mar 12, 2010) (NO. 5:07-CV-234-D), motion to certify appeal denied (Jul 15, 2010)

[H](#) [28](#) Wyeth v. Teva Pharmaceuticals USA, Inc., 2005 WL 6220112, 2005 Markman 6220112 (D.N.J. Sep 06, 2005) (NO. 03-CV-1293 (WJM))

*Opinion in Support of Order*

[H](#) [29](#) Wyeth v. Teva Pharmaceuticals USA, Inc., 2005 WL 2175440, 2005 Markman 2175440 (D.N.J. Sep 06, 2005) (NO. 03-CV-1293(WJM)) ([Markman Order Version](#))

[H](#) [30](#) Wyeth v. Anchen Pharmaceuticals, 2006 WL 6103249 (C.D.Cal. Dec 20, 2006) (NO. SACV06386JVSMLGX)

[H](#) [31](#) Wyeth v. Impax Laboratories, Inc., 2008 WL 6096024 (D.Del. Jan 11, 2008) (NO. CIV.A. 06-222-JJF)

[H](#) [32](#) Wyeth v. Mylan Pharmaceuticals, Inc., 2009 WL 3335062 (N.D.W.Va. Oct 14, 2009) (NO. 1:07CV91)

## Court Documents

### Trial Court Documents (U.S.A.)

#### D.Del. Trial Pleadings

[33](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2006 WL 1388641 (Trial Pleading) (D.Del. Apr. 25, 2006) **Answer and Counterclaims of Defendant Impax Laboratories,**

**Inc., and Demand for Jury Trial (NO. 06-222JJF)**

**D.Del. Expert Testimony**

- [34](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 6027775 (Expert Report and Affidavit) (D.Del. Mar. 30, 2007) **Declaration of Arthur H. Kibbe, Ph.D., in Support of Defendant Impax Laboratories, Inc.'s Responsive Claim Construction Brief** (NO. 06-222JJF)
- [35](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 6027776 (Expert Report and Affidavit) (D.Del. May 25, 2007) **Declaration of Bertram A. Spilker, M.D., Ph.D., F.C.P., F.F.P.M. in Support of Impax's Responsive Claim Construction Brief** (NO. 06-222JJF)

**D.Del. Trial Motions, Memoranda And Affidavits**

- [36](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2006 WL 5845456 (Trial Motion, Memorandum and Affidavit) (D.Del. May 12, 2006) **Wyeth's Opening Brief in Support of its Motion to Strike Impax's Unenforceability and Unclean Hands Affirmative Defenses Under Fed. R. Civ.P. 12(f), and to Dismiss Impax's Unenforceability Counterclaim** (NO. 106CV00222)
- [37](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2006 WL 5845457 (Trial Motion, Memorandum and Affidavit) (D.Del. May 26, 2006) **Opposition of Defendant Impax Laboratories, Inc. To Plaintiff's Motion to Strike Impax's Unclean Hands Defense and to Dismiss Impax's Unenforceability Counterclaim** (NO. 106CV00222)
- [38](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2006 WL 5845464 (Trial Motion, Memorandum and Affidavit) (D.Del. Jun. 8, 2006) **Wyeth's Reply Brief in Support of its Motion to Strike Impax's Unenforceability and Unclean Hands Affirmative Defenses Under Fed. R. Civ. P. 12(f), and to Dismiss Impax's Unenforceability Counterclaim** (NO. 106CV00222)
- [39](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2006 WL 5845465 (Trial Motion, Memorandum and Affidavit) (D.Del. Aug. 17, 2006) **Wyeth's Opposition to Defendant's Motion to Compel Production of Documents** (NO. 106CV00222)
- [40](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2006 WL 5845466 (Trial Motion, Memorandum and Affidavit) (D.Del. Sep. 25, 2006) **Defendant's Opposition to Plaintiff's Motion to Compel** (NO. 106CV00222)
- [41](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272020 (Trial Motion, Memorandum and Affidavit) (D.Del. Feb. 6, 2007) **Wyeth's Opening Brief in Support of its Motion for Protective Order to Strike and Limit the Scope of Impax's Amended Notice of Deposition of Wyeth Pursuant to Fed. R. Civ. P. 30(b)(6)** (NO. 106CV00222)
- [42](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272021 (Trial Motion, Memorandum and Affidavit) (D.Del. Feb. 28, 2007) **Wyeth's Answering Brief In Opposition to Impax's Motion to Compel a Response to Interrogatory Number 35** (NO. 106CV00222)
- [43](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5271999 (Trial Motion, Memorandum and Affidavit) (D.Del. Mar. 20, 2007) **Defendant's Brief in Support of Motion for Protective Order to Govern the Production of Documents in Response to Subpoena** (NO. 106CV00222)
- [44](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272000 (Trial Motion, Memorandum and Affidavit) (D.Del. Mar. 23, 2007) **Defendant Impax Laboratories, Inc.'s Brief in Support of Motion to Compel Deposition Pursuant to Fed. R. Civ. P. 30(b)(6)** (NO. 106CV00222)
- [45](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272001 (Trial Mo-



- tion, Memorandum and Affidavit) (D.Del. Apr. 11, 2007) **Defendant Impax Laboratories, Inc.'s Brief in Support of Its Motion to Compel Production of Documents in Response to Defendant's Fourth Set of Requests for Production (Nos. 125-131)** (NO. 106CV00222)
- [46](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272002 (Trial Motion, Memorandum and Affidavit) (D.Del. Apr. 13, 2007) **Defendant Impax Laboratories, Inc.'s Reply Brief In Support of Motion to Compel Deposition Pursuant to Fed. R. Civ. P. (30)(b)(6)** (NO. 106CV00222)
- [47](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272005 (Trial Motion, Memorandum and Affidavit) (D.Del. May 4, 2007) **Defendant Impax Laboratories, Inc.'s Reply Brief in Support of its Motion to Compel Documents in Response to Defendant's Fourth set of Requests for Production (Nos. 125-131)** (NO. 106CV00222)
- [48](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272006 (Trial Motion, Memorandum and Affidavit) (D.Del. May 14, 2007) **Wyeth's Opening Markman Brief** (NO. 106CV00222)
- [49](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272007 (Trial Motion, Memorandum and Affidavit) (D.Del. May 30, 2007) **Defendant Impax Laboratories, Inc.'s Responsive Claim Construction Brief** (NO. 106CV00222)
- [50](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272008 (Trial Motion, Memorandum and Affidavit) (D.Del. Jun. 4, 2007) **Wyeth's Answering Markman Brief** (NO. 106CV00222)
- [51](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272010 (Trial Motion, Memorandum and Affidavit) (D.Del. Jul. 3, 2007) **Wyeth's Answering Brief In Opposition to Impax's Motion to Compel Wyeth to Produce Properly Prepared Rule 30(b)(6) Witnesses** (NO. 106CV00222)
- [52](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272011 (Trial Motion, Memorandum and Affidavit) (D.Del. Jul. 12, 2007) **Reply Brief in Support of Impax Laboratories, Inc.'s Motion to Compel Wyeth to Produce Properly Prepared Rule 30(b)(6) Witnesses** (NO. 106CV00222)
- [53](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272012 (Trial Motion, Memorandum and Affidavit) (D.Del. Jul. 12, 2007) **Impax's Response to Wyeth's Citation of Subsequent Authority in Support of its Markman Briefing** (NO. 106CV00222)
- [54](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272013 (Trial Motion, Memorandum and Affidavit) (D.Del. Jul. 18, 2007) **Defendant Impax Laboratories, Inc.'s Opening Brief in Support of Motion to Compel Wyeth to Produce all Summary Judgment Briefing from the Teva Litigation** (NO. 106CV00222)
- [55](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272014 (Trial Motion, Memorandum and Affidavit) (D.Del. Jul. 23, 2007) **Wyeth's Answering Brief in Opposition to Impax's Motion to Compel Wyeth to Produce all Summary Judgment Briefing from the Teva Litigation** (NO. 106CV00222)
- [56](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272015 (Trial Motion, Memorandum and Affidavit) (D.Del. Oct. 12, 2007) **Wyeth's Opening Brief In Support of Its Motion to Strike the Expert Report of Impax's Patent Law Expert, Mark E. Nusbaum** (NO. 106CV00222)
- [57](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272016 (Trial Motion, Memorandum and Affidavit) (D.Del. Oct. 26, 2007) **Opposition of Impax Laboratories to Wyeth's Motion to Strike the Expert Report of Mark E. Nusbaum** (NO. 106CV00222)
- [58](#) WYETH, Plaintiff, v. IMPAX LABORATORIES, INC., Defendant., 2007 WL 5272017 (Trial Motion, Memorandum and Affidavit) (D.Del. Nov. 2, 2007) **Plaintiff Wyeth's Reply In Support of Its**

**Motion to Strike the Expert Report of Impax's Patent Law Expert, Mark E. Nusbaum** (NO. 106CV00222)

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[▶ Wyeth v. Impax Laboratories, Inc., 248 F.R.D. 169 \(D.Del., Oct 26, 2006\) \(NO. CIV.A. 06-222-JJF\)](#)

**Westlaw has no direct history for this case**

Trial Court

KeyCited Case



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- [98](#) Donald B. WINGERTER, Jr., an individual, and Greenhorn Ranch LLC, a Colorado limited liability company, Plaintiffs, v. Allison H. GERBER, an individual, Defendant, v. Bodyselect LLC, a Colorado limited liability company, Third-Party Defendant., 2010 WL 2393379, \*2393379 (Trial Motion, Memorandum and Affidavit) (D.Colo. Feb 25, 2010) **Opposition of Wingertter and Greenhorn Ranch to Gerber's Motion to Compel** (NO. 09CV02000PAB-MEH) ★ ★
- [99](#) EPPENDORF AG a Company organized and existing under the laws of Germany, and Eppendorf Array Technologies S.A. a Company organized and existing under the laws of Belgium, and Eppendorf North America, Inc. a Delaware Corporation, Plaintiffs, v. NANOSPHERE, INC. a Delaware Corporation, Defendant., 2010 WL 5622650, \*5622650+ (Trial Motion, Memorandum and Affidavit) (D.Del. Jun 03, 2010) **Defendant Nanosphere, Inc.'s Response to Plaintiffs' Motion to Compel and for Sanctions** (NO. 09-CV-504-MMB) " ★ ★ ★ HN: 2,3,4 (F.R.D.)
- [100](#) EPPENDORF AG a Company organized and existing under the laws of Germany, and Eppendorf Array Technologies S.A. a Company organized and existing under the laws of Belgium, and Eppendorf North America, Inc. a Delaware Corporation, Eppendorf, v. NANOSPHERE, INC. a Delaware Corporation, Nanosphere., 2010 WL 5622649, \*5622649+ (Trial Motion, Memorandum and Affidavit) (D.Del. May 14, 2010) **Opening Brief in Support of Eppendorf's Motion to Compel and for Sanctions** (NO. 09-CV-504-MMB) " ★ ★ HN: 2,3,4 (F.R.D.)
- [101](#) FUTURE FIBRE TECHNOLOGIES PTY. LTD., Plaintiff, v. OPTELLIOS, INC., Defendant., 2010 WL 976354, \*976354+ (Trial Motion, Memorandum and Affidavit) (D.Del. Jan 25, 2010) **Defendant's Opposition to Plaintiff's Motion to Compel** (NO. 109CV00346) " ★ ★ ★ HN: 2,3 (F.R.D.)
- [102](#) LEADER TECHNOLOGIES, INC., a Delaware corporation, Plaintiff-Counterdefendant, v. FACEBOOK, INC., a Delaware corporation, Defendant-Counterclaimant., 2009 WL 3333162, \*3333162+ (Trial Motion, Memorandum and Affidavit) (D.Del. May 20, 2009) **Leader Technologies, Inc.'s Reply in Support of Its Motion to Compel Responses to Plaintiff's First Set of Requests for Production and First Set of Interrogatories** (NO. 108CV00862) ★ ★
- [103](#) LEADER TECHNOLOGIES, INC., a Delaware corporation, Plaintiff and Counterdefendant, v. FACEBOOK, INC., a Delaware corporation, Defendant and Counterclaimant., 2009 WL 3333161, \*3333161+ (Trial Motion, Memorandum and Affidavit) (D.Del. May 18, 2009) **Brief in Opposition to Plaintiff's Motion to Compel Responses to Plaintiff's First Set of Requests for Production and First Set of Interrogatories** (NO. 108CV00862) " ★ ★ HN: 1 (F.R.D.)
- [104](#) Gregory O'GARA, On Behalf of the Estate of Tamara Portnick, Individually and On Behalf of All Others Similarly Situated, Plaintiff, v. COUNTRYWIDE HOME LOANS, INC., a whollyowned subsidiary of Countrywide Financial Corporation, Defendant., 2009 WL 1787539, \*1787539+ (Trial Motion, Memorandum and Affidavit) (D.Del. Apr 06, 2009) **Defendant's Answering Brief in Opposition to Plaintiff's Motion to Compel** (NO. 108CV00113) ★ ★ HN: 4 (F.R.D.)
- [105](#) SAMSUNG ELECTRONICS CO., LTD., Samsung Electronics America, Inc., Samsung Telecommunications America General, L.L.C., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor L.L.C., Plaintiffs, v. ON SEMICONDUCTOR CORP. and Semiconductor Components Industries, LLC, Defendants. ON SEMICONDUCTOR CORP. and Semiconductor Components Industries, LLC, Plaintiffs, v. SAMSUNG ELECTRONICS CO., LTD., Samsung Electronics America, Inc., Samsung Telecommunications, 2008 WL 1995683, \*1995683+ (Trial Motion, Memorandum and Affidavit) (D.Del. Feb 25, 2008) **Samsung's Answering Brief in Opposition to on Semiconductors and Semiconductor Components Industries, Llc's Motion to Compel** (NO. 107CV00449) " ★ ★ ★ HN: 2 (F.R.D.)
- [106](#) SAMSUNG ELECTRONICS CO., LTD., Samsung Electronics America, Inc., Samsung Telecommunications America General, L.L.C., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor L.L.C., Plaintiffs, v. ON SEMICONDUCTOR CORP. and Semiconductor Components Industries, LLC, Defendants. ON SEMICONDUCTOR CORP. and Semiconductor Components Industries, LLC, Plaintiffs, v. SAMSUNG ELECTRONICS CO., LTD., Samsung Electronics Amer-

- ica, Inc., Samsung Telecommunications, 2008 WL 2149655, \*2149655+ (Trial Motion, Memorandum and Affidavit) (D.Del. Feb 25, 2008) **Samsung's Answering Brief In Opposition to On Semiconductor's and Semiconductor Components Industries, LLC's Motion to Compel** (NO. 07-449(JJF), 106CV00720) " ★★★ HN: 2 (F.R.D.)
- [107](#) RLI INSURANCE COMPANY, Plaintiff, v. INDIAN RIVER SCHOOL, District, EDiS Company, and Becker Morgan Group, Inc., Defendants., 2007 WL 4426054, \*4426054+ (Trial Motion, Memorandum and Affidavit) (D.Del. Aug 20, 2007) **Defendant Becker Morgan Group, Inc.'s Response Brief in Opposition to the Plaintiff, Rli Insurance Company's Motion to Compel E-Discovery** (NO. 05-858-JJF) ★★
- [108](#) SOUTHERN PAN SERVICES COMPANY, Plaintiff, v. S. B. BALLARD CONSTRUCTION COMPANY and Liberty Mutual Insurance Company, Defendants., 2009 WL 3333374, \*3333374 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 08, 2009) **Defendants' Response to Plaintiff's Motion to Compel Production of Documents and Tangible Things Responsive to Plaintiff's Fourth Request for Production of Documents** (NO. 307CV00592) " ★★★ HN: 3 (F.R.D.)
- [109](#) GOODBYS CREEK, LLC, a Florida limited liability corporation, Plaintiff, v. ARCH INSURANCE COMPANY, a Missouri corporation, Defendant; Arch Insurance Company, Counter-Plaintiff, v. Goodbys Creek, LLC, a Florida limited liability corporation, and Fairfield Financial Services, Inc., a Georgia Corporation, Counter-Defendants., 2008 WL 5181690, \*5181690 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 11, 2008) **Defendant, Arch Insurance Company's, Response in Opposition to Plaintiff, Goodbys Creek, LLC's, Motion to Compel** (NO. 307-CV-947-J-34HTS) " ★★★ HN: 2,3 (F.R.D.)
- [110](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2008 WL 2625242, \*2625242+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun 20, 2008) **Plaintiffs' Opposition to Belfor Usa Group. Inc.'s Motion to Compel Proper Production of Documents by Plaintiffs and for Relief From Discovery Violations** (NO. 607-CV-222-ORL-19KRS) " ★★★ HN: 2,3 (F.R.D.)
- [111](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2008 WL 2482301, \*2482301 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun 10, 2008) **Plaintiffs' Opposition to Defendant Lexington Insurance Company's Motion for Discovery Sanctions Against Plaintiffs and to Compel Proper Production By Plaintiffs** (NO. 607-CV-222-ORL-19KRS) ★★ HN: 3 (F.R.D.)
- [112](#) Foster Seth THORP, III and Katie R. Wells, individually and on behalf of others similarly situated, Plaintiffs, v. ACE MORTGAGE FUNDING, LLC, Ace Mortgage Funding, Incorporated, Richard M. Hall, and Robert L. Gregory, Jr., Defendants., 2007 WL 1832794, \*1832794+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 11, 2007) **Defendants' Response to Plaintiffs' Motion to Compel** (NO. 806-CV-02244-T-27MSS) ★★
- [113](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2006 WL 6616712, \*6616712 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec 08, 2006) **Astrazeneca's Combined Response and Opposition to Plaintiffs' First Amended Motion for Entry of Order and to Compel Deposition and Memorandum in Support** (NO. 1769) ★★ HN: 3 (F.R.D.)
- [114](#) NISSIM CORP., Plaintiff, v. TIME WARNER INC., Warner Bros. Entertainment Inc., Warner Home Video Inc. and New Line Home Entertainment Inc., Defendants., 2007 WL 5081150, \*5081150+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Dec 07, 2007) **Reply in Support of Motion to Compel Nissim to Produce Documents in Response to New Line's First Set of Requests for Production** (NO. 07-20624CIV) ★★★ HN: 4 (F.R.D.)
- [115](#) NISSIM CORP., Plaintiff, v. TIME WARNER INC., et al., Defendants., 2007 WL 5082743, \*5082743+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 27, 2007) **Plaintiff Nissim Corp.'s Response to New Line's Motion to Compel Production of Documents** (NO. 107CV20624)

" ★ ★ ★ ★ **HN: 1,3,4 (F.R.D.)**

- [116](#) In re NETBANK, INC. Securities Litigation., 2009 WL 1899574, \*1899574+ (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Jun 24, 2009) **Reply Memorandum of law in Further Support of Lead Plaintiff's Motion to Compel Responses to Plaintiff's First Set of Document Requests and Interrogatories** (NO. 107-CV-2298-BBM) " ★ ★ ★ **HN: 3 (F.R.D.)**
- [117](#) In re NETBANK, INC. SECURITIES LITIGATION., 2009 WL 1748388, \*1748388 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Jun 10, 2009) **Defendants' Opposition to Plaintiff's Motion to Compel** (NO. 107-CV-2298-BBM) " ★ ★ **HN: 3 (F.R.D.)**
- [118](#) DATASCAPE, INC., a Georgia Corporation, Plaintiff, v. KYOCERA WIRELESS CORP., a Delaware Corporation, Defendant., 2009 WL 494653, \*494653+ (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Jan 08, 2009) **Defendant Kyocera Wireless Corporation's Reply in Support of Its Motion for Protective Order to Limit Discovery** (NO. 105CV01651) ★ ★ ★ **HN: 1 (F.R.D.)**
- [119](#) William E. MASTERS and The Apogee Group, LLC, Petitioners, v. Donald R. HARKLEROAD, Harkleroad & Hermance, P.C., Jewett W. Tucker, Bristol Ventures, LLC, The Bristol Corporation, Poplar Cove LLC, Highlands Pass, LLC, Oldfield Mountain Company, LLC, Respondents., Donald R. HARKLEROAD, Bristol Ventures, LLC, The Bristol Corporation, Poplar Cove LLC, Highlands Pass, LLC, and Oldfield Mountain Company, LLC, Counter-Plaintiffs, v. William E. MASTERS, The, 2008 WL 2599532, \*2599532 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Apr 25, 2008) **Petitioners' Reply Brief In Support of Their Motion to Compel Production of Documents** (NO. 106CV02666) ★ **HN: 3 (F.R.D.)**
- [120](#) William E. MASTERS and The Apogee Group, LLC, Petitioners, v. Donald R. HARKLEROAD, Harkleroad & Hermance, P.C., Jewett W. Tucker, Bristol Ventures, LLC, The Bristol Corporation, Poplar Cove, LLC, Highlands Pass, LLC, and Oldfield Mountain Company, LLC, Respondents, Donald R. HARKLEROAD, Bristol Ventures, LLC, The Bristol Corporation, Poplar Cove, LLC, Highlands Pass, LLC, and Oldfield Mountain Company, LLC, Counter-Plaintiffs, v. William E., 2008 WL 2599530, \*2599530+ (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Apr 08, 2008) **Defendants' Memorandum In Opposition to Petitioners' Motion to Compel Production of Documents** (NO. 106CV02666) " ★ ★ **HN: 3 (F.R.D.)**
- [121](#) Donald E. THORNTON, Plaintiff, v. BLITZ USA, INC., Wal-Mart Stores, Inc. Wal-Mart Stores East, LP And Wal-Mart Stores East, Inc., Defendants., 2010 WL 4253269, \*4253269 (Trial Motion, Memorandum and Affidavit) (S.D.Ga. Aug 02, 2010) **Defendant Blitz U.S.A. Inc.'s Opposition to Plaintiff's Motion to Compel Blitz U.S.A., Inc. to Produce Documents As Kept in the Usual Course of Business or in a Method that Corresponds to the ...** (NO. 509-CV-3) " ★ ★ **HN: 3 (F.R.D.)**
- [122](#) David OJEDA-SANCHEZ; et. al., Plaintiffs, v. BLAND FARMS, LLC; et. al., Defendants., 2009 WL 3664005, \*3664005 (Trial Motion, Memorandum and Affidavit) (S.D.Ga. May 11, 2009) **Defendant's Response to Plaintiffs' Motion to Compel Defendant Bland Farms' Responses to Requests for Production and Alternatively, Motion for Protective Order** (NO. 608-096) ★ ★ **HN: 3 (F.R.D.)**
- [123](#) CHAPMAN, v. GENERAL BOARD OF PENSION AND HEALTH BENEFITS OF THE UNITED METHODIST CHURCH, INC., 2010 WL 3337283, \*3337283 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Jun 16, 2010) **Defendant's Response in Opposition to Plaintiff's Motion for Sanctions and Attorney Fees and Costs** (NO. 109CV03474) ★ ★
- [124](#) DSM DESOTECH INC., Plaintiff, v. 3D SYSTEMS CORPORATION and 3D Systems, Inc., Defendants., 2009 WL 1559636, \*1559636 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Apr 06, 2009) **DSM Desotech Inc.'s Opposition to 3D Systems' Motion to Compel Patent-Related Discovery** (NO. 08-C-1531) ★ ★ **HN: 1 (F.R.D.)**
- [125](#) LADY DI'S, INC., on behalf of itself and all others similarly situated, Plaintiff, v. ENHANCED SERVICES BILLING, INC., ILD Telecommunications, Inc. d/b/a ILD Teleservices, Inc., Defen-

- dants., 2009 WL 6415489, \*6415489 (Trial Motion, Memorandum and Affidavit) (S.D.Ind. Dec 04, 2009) **Enhanced Services Billing, Inc.'s Response in Opposition to Plaintiff's Motion to Compel Defendants to Produce Documents, Interrogatory Answers and Deposition Testimony Relevant to Plaintiff's Class ...** (NO. 109CV-0340-SEB-DML) ★ HN: 2,3 (F.R.D.)
- [126](#) Lawrence FEDERICO, Jr., v. STATE FARM GENERAL INSURANCE COMPANY and State Farm Fire and Casualty Company., 2009 WL 1203820, \*1203820+ (Trial Motion, Memorandum and Affidavit) (E.D.La. Mar 13, 2009) **State Farm's Response in Opposition to Plaintiff's Motion to Compel State Farm, Acting in its Capacity as Insurer Under an Apartment Policy to Respond to Plaintiff's Discovery Requests** (NO. 206CV04913) ★ ★ HN: 3 (F.R.D.)
- [127](#) Brenda HENRY, Plaintiff, v. NOVARTIS PHARMACEUTICALS CORPORATION, Defendant., 2008 WL 5649517, \*5649517 (Trial Motion, Memorandum and Affidavit) (E.D.La. Dec 02, 2008) **Novartis Pharmaceuticals Corporation's Opposition to Plaintiff's Motion to Compel Discovery Responses** (NO. 207CV03138) " ★ ★ HN: 3 (F.R.D.)
- [128](#) PETER and Sandra Perrien, v. STATE FARM FIRE & CASUALTY COMPANY., 2008 WL 3862570, \*3862570+ (Trial Motion, Memorandum and Affidavit) (E.D.La. Jul 17, 2008) **State Farm's Memorandum in Opposition to Plaintiff's Motion to Compel** (NO. 206CV08087) ★ ★ ★ HN: 3 (F.R.D.)
- [129](#) GEMINI INVESTORS INC., Plaintiff, v. CHES-MONT DISPOSAL, INC., Defendant., 2008 WL 7196015, \*7196015+ (Trial Motion, Memorandum and Affidavit) (D.Mass. Jul 15, 2008) **Gemini's Opposition to Ches-Mont's Motion to Compel** (NO. 06-CA-11894-MLW) ★ ★ ★ HN: 3 (F.R.D.)
- [130](#) MICHIGAN FIRST CREDIT UNION, Plaintiff, v. CUMIS INSURANCE SOCIETY, INC., Defendant., 2007 WL 4910240, \*4910240 (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Dec 19, 2007) **Cumis' Response to Michigan First's Objections to Magistrate Judge Whalen's Nov. 16, 2007 Order Regarding the Production of Metadata** (NO. 205-CV-74423) ★ HN: 3 (F.R.D.)
- [131](#) MICHIGAN FIRST CREDIT UNION, Plaintiff, v. CUMIS INSURANCE SOCIETY, INC., a foreign corporation, Defendant., 2007 WL 4594467, \*4594467+ (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Aug 21, 2007) **Michigan First Credit Union's Supplemental Brief in Further Support of Motion for Sanctions Regarding Electronic Discovery** **YDkt. No. 166**" (NO. 205-CV-74423) ★ ★
- [132](#) NETRATINGS, INC., Plaintiff, v. DIGITAL RIVER, INC., et al., Defendants., 2008 WL 896620, \*896620+ (Trial Motion, Memorandum and Affidavit) (D.Minn. Jan 28, 2008) **NetRatings, Inc.'s Memorandum of Law in Opposition to Defendants' Motion to Compel Production of Depositions and Documents** (NO. 06-3988(JMR/FLN)) " ★ ★ HN: 4 (F.R.D.)
- [133](#) PANDORA JEWELRY, LLC, Plaintiff, v. BAJUL IMPORTS, INC., Defendant., 2011 WL 1035754, \*1035754 (Trial Motion, Memorandum and Affidavit) (E.D.Mo. Feb 07, 2011) **Plaintiff's Memorandum in Opposition to Defendant's Motion to Compel** (NO. 110-CV-00135, SNLJ) " ★ ★
- [134](#) Carol R. KAUFMAN and OSI Holdings, Inc., a New Jersey corporation previously known as Organizer Systems, Inc., Plaintiffs, v. SUNGARD INVESTMENT SYSTEMS, INC., A Delaware corporation, Defendant., 2008 WL 4293019, \*4293019+ (Trial Motion, Memorandum and Affidavit) (D.N.J. Jun 27, 2008) **Plaintiffs' Opposition to Defendant Sungard Investment System LLC's Motion for Protective Order to Quash Plaintiff's Rule 30(b)(6) Notice of Deposition Concerning Sungard Electronic Records** (NO. 205CV01236) ★ ★ HN: 2,3 (F.R.D.)
- [135](#) Joseph MANCUSO, and Karla Mancuso, Individually, and as Parents and Legal Guardians of M.M., Max Mancuso, and Ceo Clubs International, Inc., Plaintiffs, v. DOUGLAS ELLIMAN LLC, Faina Kouperman, Michael Maidan, John Stimmel, Emil Talel and Gordon Voight, Defendants., 2010 WL 1622366, \*1622366 (Trial Motion, Memorandum and Affidavit) (S.D.N.Y. Jan 07, 2010) **Defendants' Memorandum of Law in Opposition to Plaintiff's Motion Objecting to Magistrate Judge Peck's Order** (NO. 107CV02368) " ★ ★ HN: 3 (F.R.D.)

- [136](#) Robert ROSS, Individually and on Behalf of all Others Similarly Situated, Plaintiff, v. ABER-CROMBIE & FITCH COMPANY, et al., Defendants., 2008 WL 5427420, \*5427420 (Trial Motion, Memorandum and Affidavit) (S.D.Ohio Oct 14, 2008) **Memorandum of Defendant Abercrombie & Fitch Co. in Opposition to Plaintiff's Demand for Additional Electronically-Stored Information Discovery** (NO. 205CV00819) ★★
- [137](#) STATE OF OKLAHOMA, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma, Plaintiffs, v. TYSON FOODS, INC., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., 2007 WL 5366953, \*5366953+ (Trial Motion, Memorandum and Affidavit) (N.D.Okla. Sep 07, 2007) **The Cargill Defendants' Motion to Compel Production of Responsive ESI** (NO. 405CV00329) ★★
- [138](#) BROWN & BROWN, INC., et al., Plaintiffs, v. Robert COLA, et al., Defendants., 2011 WL 5905076, \*1 (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Oct 27, 2011) **Defendant Robert Cola's Response to Plaintiffs' Motion to Compel** (NO. 10-CV-03898) " ★★ **HN: 2,3,4 (F.R.D.)**
- [139](#) BROWN & BROWN, INC., Brown & Brown of Pennsylvania and Grinspec, Inc., Plaintiffs, v. Robert COLA, Ryan Tola and Doyle Alliance Group, Defendants., 2011 WL 5905079, \*1 (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Oct 27, 2011) **Defendant Doyle Alliance Group's Response in Opposition to Plaintiffs' Motion to Compel** (NO. 2:10-CV-3898) ★★ **HN: 4 (F.R.D.)**
- [140](#) BROWN & BROWN, INC., Brown & Brown of Pennsylvania, Inc., and Grinspec, Inc., Plaintiffs, v. Robert COLA, Ryan Tola, and Doyle Alliance Group, Defendants., 2011 WL 5905077, \*1+ (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Oct 13, 2011) **Memorandum of Law in Support of Plaintiffs' Motion to Compel Production of Electronic Storage Media by Defendants** (NO. 2:10-CV-3898) ★★ **HN: 3 (F.R.D.)**
- [141](#) AMERICAN BOARD OF INTERNAL MEDICINE, Plaintiff, v. Sarah Von MULLER, M.D., Defendant/Counterclaimant, v. AMERICAN BOARD OF INTERNAL MEDICINE, Christine K. Cassel, M.D., Lynn O. Langdon, M.S., and Eric S. Holmboe, M.D., Counterclaim Defendants., 2011 WL 3734019, \*1+ (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Jun 13, 2011) **Plaintiff and Counterclaim Defendants' Cross-Motion for Sanctions Against Defendant Sarah Von Muller, M.D. and/or her Counsel** (NO. 10CV02680) ★★
- [142](#) Gene R. ROMERO, et al, Plaintiffs, v. ALLSTATE INSURANCE COMPANY, et al., Defendants. Equal Employment Opportunity Commission, Plaintiff, v. Allstate Insurance Company, Defendants. Gene R. Romero, et al., Plaintiffs, v. The Allstate Corporation, et al., Defendants., 2010 WL 4091010, \*4091010+ (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Aug 13, 2010) **Reply Brief in Support of Plaintiffs' Motion to Compel Documents Related to the Release in Accordance with the Court's April 7, 2010 Case Management Order** (NO. 01-CV-3894, RLB) " ★★ **HN: 2,3,4 (F.R.D.)**
- [143](#) Gene R. ROMERO, et al., Plaintiffs, v. ALLSTATE INSURANCE COMPANY, et al., Defendants. Equal Employment Opportunity Commission, Plaintiff, v. Allstate Insurance Company, Defendant. Gene R. Romero, et al., Plaintiffs, v. Allstate Corporation, et al., Defendants., 2010 WL 4091009, \*4091009 (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Jul 23, 2010) **Allstate's Opposition to Plaintiffs' Motion to Compel Documents Related to the Release in Accordance with the Court's April 7, 2010 Case Management Order** (NO. 01-CV-3894, RLB) " ★★ **HN: 3 (F.R.D.)**
- [144](#) Padmarao JEVAJI, M.D., Plaintiff, v. THE STANDARD INSURANCE COMPANY, t/d/b/a the Standard, and Mark J. Pellis, Defendants., 2009 WL 3221587, \*3221587 (Trial Motion, Memorandum and Affidavit) (W.D.Pa. Aug 05, 2009) **Defendant Standard Insurance Company's Response to Plaintiff's Emergency Motion for a Preservation Order and Sanctions for Spoliation of ESI** (NO. 209CV00202) " ★★ **HN: 3 (F.R.D.)**
- [145](#) DRURY DEVELOPMENT CORPORATION, Plaintiff, v. FOUNDATION INSURANCE COM-

- PANY, Clarendon National Insurance Company, Tarheel Insurance Management Company, Tarheel Group, Steven M. Mariano and Lucia Tompkins, Defendants., 2009 WL 1889286, \*1889286+ (Trial Motion, Memorandum and Affidavit) (D.S.C. Mar 30, 2009) **Defendant Clarendon National Insurance Company's Memorandum in Opposition to Plaintiff's Motion to Compel** (NO. 006-CV-01285-JFA) " ★★★ **HN: 2,3,4 (F.R.D.)**
- [146](#) Sheri G. BLACKWELL, on behalf of herself and all other persons similarly situated, Plaintiff, v. MEDICAL SAVINGS INSURANCE COMPANY, Defendant., 2008 WL 2383534, \*2383534+ (Trial Motion, Memorandum and Affidavit) (D.S.C. Apr 18, 2008) **Defendant's Memorandum In Opposition to Plaintiff's Motion to Compel Discovery** (NO. 706CV03106) " ★★★
- [147](#) SCOTT DAIRY FARM, INC., et al., v. DEAN FOODS COMPANY, et al., 2008 WL 2561155, \*2561155+ (Trial Motion, Memorandum and Affidavit) (E.D.Tenn. Apr 01, 2008) **Response in Opposition to Plaintiffs' Motion to Compel Corporate Defendants Dean, DFA, DMS, NDH, and SMA to Provide Discovery in Response to Plaintiffs' First Set of Interrogatories and Document ...** (NO. 207CV00208) " ★★★ **HN: 3 (F.R.D.)**
- [148](#) In re SOUTHEASTERN MILK ANTITRUST LITIGATION; Sweetwater Valley Farm, Inc., et al., v. Dean Foods Company; et al.; Baisley, et al., v. Dean Foods Company, et al., 2008 WL 2843710, \*2843710+ (Trial Motion, Memorandum and Affidavit) (E.D.Tenn. Apr 01, 2008) **Response in Opposition to Plaintiffs' Motion to Compel Corporate Defendants Dean, DFA, DMS, NDH, and SMA to Provide Discovery in Response to Plaintiffs' First Set of Interrogatories and Document ...** (NO. 208-MD-1000) " ★★★ **HN: 3 (F.R.D.)**
- [149](#) VOCALSPACE, LLC, Plaintiff, v. Daniel D. LORENZO and Larkspark Corporation, Defendants., 2010 WL 5863287, \*5863287+ (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Nov 26, 2010) **Plaintiff's Response to Defendants' Motion to Compel Plaintiff to Amend Responses for Production and Request for Discovery Sanctions** (NO. 409CV00350) ★★★ **HN: 3 (F.R.D.)**
- [150](#) REPLIGEN CORPORATION and the Regents of the University of Michigan, Plaintiffs, v. BRISTOL-MYERS SQUIBB COMPANY, Defendant., 2007 WL 684265, \*684265+ (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan 05, 2007) **Bristol's Opposition to Plaintiffs' Motion to Compel Bristol to Produce Electronic Documents in Native Format with Metadata** (NO. 206-CV-004) ★★★
- [151](#) FPL ENERGY, LLC, Plaintiff, v. HILLIARD ENERGY, LTD., Defendant, v. Horse Hollow Generation Tie, L.L.C., Blue Summit Generation Tie, L.L.C., and, Lone Star Transmission, L.L.C., Defendants., 2010 WL 3688343, \*3688343+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Aug 13, 2010) **Plaintiff's Response to Defendant Hilliard Energy, Ltd.'s Motion to Strike Objections and Motion to Compel Discovery** (NO. 109-CV-137-C, 110-CV-057-C) " ★★★ **HN: 2,3 (F.R.D.)**
- [152](#) UNITED STATES OF AMERICA ex rel. John Becker and Robert B. Spencer, Plaintiffs, v. TOOLS & METALS, INC. aka TMI Integrated Services and TMI Integrated Holdings Corporation, Todd B. Loftis, William C. Johnson, Linda Loehr, Lockheed Martin Corporation; Bryon Young, Harriet Stroh, Defendants., 2010 WL 1476043, \*1476043 (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Feb 24, 2010) **Relator's Motion to Compel Production of Documents in Native Format by Defendants Lockheed Martin Corporation, Byron Young and Harriet Stroh** (NO. 305-CV-0627-L) " ★★★ **HN: 3 (F.R.D.)**
- [153](#) GILLANI CONSULTING, INC., a Delaware corporation, Plaintiff, v. FERGUSON ENTERPRISES, INC., a Virginia corporation, Defendant., 2010 WL 1476111, \*1476111+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Jan 04, 2010) **Ferguson's Response to Plaintiff's Objections to Magistrate's December 3, 2009 Order with Brief in Support** (NO. 3-07CV1488-O, ECF) " ★★★ **HN: 2,3,4 (F.R.D.)**
- [154](#) Boris and Marina KATZ, Plaintiffs, v. DAVLONG BUSINESS SOLUTIONS, LLC, and David H. Long, Defendants., 2010 WL 4523541, \*4523541+ (Trial Motion, Memorandum and Affidavit) (S.D.Tex. Jul 12, 2010) **Defendants' Response to Plaintiffs' Third Motion to Compel and Suggest**



- tion of Contempt** (NO. 09-CV-03737) ★ ★ **HN: 2 (F.R.D.)**
- [155](#) Perry B. MONROE, II, Individually, and as Representative of the Estate of Christopher T. Monroe, Deceased, Plaintiff, v. ERINYS, a/k/a Erinys International a/k/a Erinys Iraq Limited, Defendants., 2008 WL 7138390, \*7138390+ (Trial Motion, Memorandum and Affidavit) (S.D.Tex. Oct 17, 2008) **Defendants' Opposition to Plaintiff's Motion to Compel and Motion for A protective Order** (NO. 04-07-CV-03528) " ★ ★ **HN: 3 (F.R.D.)**
- [156](#) STEVES & SONS, INC., Plaintiff, v. TRINITY GLASS INTERNATIONAL, D/B/A Signamark, Defendant., 2008 WL 2146679, \*2146679 (Trial Motion, Memorandum and Affidavit) (W.D.Tex. Feb 29, 2008) **Plaintiff's Response to Defendant's Emergency Motion to Compel Materials in Advance of Expert Deposition** (NO. SA-06-CA-0357-XR) ★ ★ **HN: 3 (F.R.D.)**
- [157](#) SPACESAVER CORPORATION, Plaintiff, v. THE MARVEL GROUP, INC., and International Systems Dealers Association, Defendant., 2008 WL 5596540, \*5596540+ (Trial Motion, Memorandum and Affidavit) (W.D.Wis. Dec 04, 2008) **Spacesaver Corporation's Opposition to Motion to Compel** (NO. 08-354) " ★ ★ **HN: 2 (F.R.D.)**
- [158](#) Rhonda Jeanne BURRY; James Burry; and Jacqueline Cotterell, Plaintiffs, v. SHAMROCK TAXI OF FORT COLLINS, INC.; Shamrock Charters, Inc.; Wymond Leon Essman; Thomas Hofmann; Jane Doe and John Doe Corporations., Defendants., 2007 WL 2461153, \*2461153 (Trial Motion, Memorandum and Affidavit) (Colo.Dist.Ct. Mar 08, 2007) **Motion to Reconsider Order Regarding Electronic Discovery** (NO. 2003CV925) ★ ★
- [159](#) KINEXUS REPRESENTATIVE LLC, Morriss Holdings LLC, Mic III LLC, Mic V LLC, Berkeley Holdings and B. Douglas Morriss, Plaintiffs, v. ADVENT SOFTWARE, INC., Defendant., 2008 WL 2882113, \*2882113+ (Trial Motion, Memorandum and Affidavit) (Del.Ch. Jul 23, 2008) **Defendant's Opposition to Plaintiffs' Motion to Compel** (NO. 1161-CC) ★ ★
- [160](#) MBKS COMPANY LIMITED, a British Virgin Islands company, MBKS Inc., a Delaware corporation, and MBKS II Inc., a Delaware corporation, Plaintiffs and Counterclaim Defendant and Counterclaim Nominal Defendants, v. Jagan M. REDDY, Defendant / Counterclaim Plaintiff and Third-Party Plaintiff, v. Abdul-Elah A. Mukred, and Lawrence G. Smith, Third-Party Defendants., 2007 WL 2767346, \*2767346+ (Trial Motion, Memorandum and Affidavit) (Del.Ch. Feb 06, 2007) **Jagan M. Reddy's Brief in Opposition to Motion to Compel Discovery** (NO. 1853-N) ★ ★
- [161](#) MBKS COMPANY LIMITED, a British Virgin Islands company, Mbks Inc., a Delaware corporation, and MBKS II Inc., a Delaware corporation, Plaintiffs and Counterclaim Defendant and Counterclaim Nominal Defendants, v. Jagan M. REDDY, Defendant / Counterclaim Plaintiff and Third-Party Plaintiff, v. Abdul-Elah A. Mukred, and Lawrence G. Smith, Third-Party Defendants., 2007 WL 844514, \*844514+ (Trial Motion, Memorandum and Affidavit) (Del.Ch. Feb 06, 2007) **Jagan M. Reddy's Brief in Opposition to Motion to Compel Discovery** (NO. 1853-N) " ★ ★ ★
- [162](#) John B. LIZZA, as Personal Representative of the Estate of Narei Fina Ngwenya Deceased, Plaintiff, v. FORD MOTOR COMPANY, a Delaware corporation, and Donnell D. Sears, an individual, Defendants., 2008 WL 6059621, \*6059621 (Trial Motion, Memorandum and Affidavit) (Mich.Cir.Ct. May 14, 2008) **Ford Motor Company's Response to Plaintiff's Supplemental Brief in Support of 9/19/07 Motion to Compel Discovery** (NO. 06618613NP) ★ ★

### **Trial Filings**

- [163](#) GRAFF/ROSS HOLDINGS LLP, Plaintiff, v. FEDERAL HOME LOAN MORTGAGE CORPORATION, a/k/a Freddie Mac, Defendant., 2008 WL 5588102, \*5588102 (Trial Filing) (D.D.C. Oct 24, 2008) **Joint Report of Counsel Pursuant to LCvR 16.3** (NO. 07CV796, RJL) ★ **HN: 3 (F.R.D.)**
- [164](#) GRAFF/ROSS HOLDINGS LLP, Plaintiff, v. FEDERAL HOME LOAN MORTGAGE CORPORATION, A/K/A Freddie Mac, Defendant., 2008 WL 5588103, \*5588103 (Trial Filing) (D.D.C. Oct

24, 2008) **Joint Report of Counsel Pursuant to LCvR 16.3** (NO. 07CV796, RJL) ★ **HN: 3 (F.R.D.)**  
[165](#) Roger M. HUGHES and Pamela Hughes, Plaintiffs, v. I-FLOW, INC.; Darlene Rowland; Astrazeneca  
Pharmaceuticals LP; Astrazeneca LP; Zeneca Holdings, Inc.; App Pharmaceuticals, Inc.; App Phar-  
maceuticals, LLC; Abraxis Bioscience, Inc. and Hospira, Inc., Defendants., 2008 WL 5371995,  
\*5371995 (Trial Filing) (S.D.Ind. Aug 28, 2008) **Case Management Plan** (NO.  
108-CV-0707-SEB-TAB) ★