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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re *Ex Parte* Application of ALIGN
TECHNOLOGY, INC. and ALIGN
(SICHUAN) MEDICAL
EQUIPMENT CO., LTD. for an Order
Pursuant to 28 U.S.C. § 1782 Granting
Leave to Obtain Discovery for Use in
Foreign Proceedings

Case No. 2:22-mc-00236-SB-MAA

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed Align Technology, Inc. and Align (Sichuan) Medical Equipment Co., Ltd.’s (together, “Applicants”) *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery from Dr. Chia Soo for Use in Foreign Proceedings (“Application,” ECF No. 1); the other records on file herein; the Report and Recommendation of United States Magistrate Judge (ECF No. 10); Dr. Soo’s Objections (ECF Nos. 14, 18); and Applicants’ Response to Dr. Soo’s Objections (ECF No. 21). After conducting a *de novo* review of the portions of the Report and Recommendation to which Objections were directed, the Court concurs with and accepts the findings and conclusions of the Magistrate Judge.

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IT THEREFORE IS ORDERED that:

(1) The Report and Recommendation of United States Magistrate Judge is **ACCEPTED**;

(2) The Application is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. Issuance and service of the Proposed Subpoena (“Authorized Subpoena”) is **AUTHORIZED**, without prejudice to Dr. Soo or any other person affected by the Authorized Subpoena contesting the Authorized Subpoena as permitted by the Federal Rules of Civil Procedure. Dr. Soo or any person contesting the Authorized Subpoena shall have thirty (30) calendar days from the date of service of the Authorized Subpoena to file any motions in this Court to contest it, which date may be extended by agreement of the parties or order of the Court. To allow for such motions, the return date on the Authorized Subpoena must be set at least thirty-one (31) days after the date of its service. Dr. Soo’s obligation to respond to the Authorized Subpoena is automatically stayed upon the filing of any motion contesting the Authorized Subpoena and such stay shall remain in effect until such motion is resolved. In this regard, Applicants, Dr. Soo, and any person contesting the Authorized Subpoena are reminded of their obligation to comply with Central District of California Local Civil Rule 37 and Magistrate Judge Maria Audero’s discovery dispute resolution process before resorting to motion practice in connection with the Authorized Subpoena.

b. Applicants are **ORDERED** to serve a copy of this Order on Dr. Soo together with service of the Authorized Subpoena.

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c. Applicants' request for a protective order is **DENIED** without prejudice to their resubmission of a proposed protective order to Magistrate Judge Audero in compliance with her procedures.

DATED: January 24, 2023



STANLEY BLUMENFELD, JR.
UNITED STATES DISTRICT JUDGE