



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>AMARI COMPANY, INC., et al.,</b>	)	
	)	
Plaintiffs,	)	Case No. 07 C 1425
	)	
v.	)	Judge Elaine E. Bucklo
	)	
<b>JOHN BURGESS, et al.,</b>	)	Magistrate Judge
	)	Martin C. Ashman
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

This matter comes before the Court on Defendants' Motion to Compel and for Sanctions for Failure to Produce Documents (Docket. 468). Plaintiffs assert that their previous counsel, Robert Reda, complied with this request. On several other occasions, as well, Plaintiffs' counsel represented that he had turned over all the documents he had. During the depositions of Pasquale Cardullo ("Mr. Cardullo") and Diane Trinks ("Ms. Trinks"), however, Defendants learned that some documents had not been disclosed. Plaintiffs' counsel's belief that previous counsel complied with Defendants' request for documents is insufficient to escape his duties under the Federal Rules of Civil Procedure.

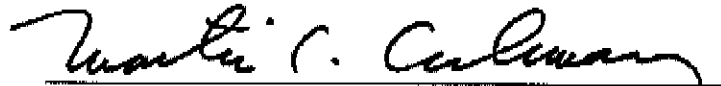
This Court being fully advised and having heard arguments from all parties, orders as follows:

1. The Court grants Defendants' motion (Docket. 468).
2. Plaintiffs must perform a diligent search for any documents not yet disclosed.
3. After this diligent search, Plaintiffs must produce the responsive documents they discover.

4. Plaintiffs must include in their production the documents identified or referred to by deponents Mr. Cardullo and Ms. Trinks during their depositions.

5. Concurrent with production, Plaintiffs also shall make a sworn declaration that (i) they have made a diligent search for documents, and that (ii) the documents they have produced represent all of the documents they have, or have discovered, after a diligent search. This declaration shall be filed with the Court when Plaintiffs produce the aforementioned documents to Defendants. Plaintiffs also shall include in their production to Defendants a copy of this declaration.

**ENTER ORDER:**



**MARTIN C. ASHMAN**  
United States Magistrate Judge

Dated: April 30, 2009.