

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**SPARK CONNECTED, LLC,
KEN MOORE, EMANUEL STINGU,
And RUWANGA DASSANAYAKE,**

Plaintiff,

v.

SEMTECH CORPORATION,

Defendant.

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Case No. 4:18-cv-748-ALM-KPJ

**MEMORANDUM OPINION, ORDER, AND AMENDED SCHEDULING
ORDER REGARDING PRELIMINARY INJUNCTION**

Pending before the Court are several motions filed by Defendant and Counter Claimant Semtech Corporation's ("Semtech"). Presently under consideration are the following Motions filed by Semtech:

- (1) Joint Stipulation Setting Schedule on Discovery, Briefing, and Hearing for Semtech's Motion for Preliminary Injunction ("Joint Stipulation") (Dkt. 30); and
- (2) Motion to Expedite Discovery (Dkt. 22).

This case is a trade secrets action, brought by Plaintiffs Spark Connected, LLC, Ken Moore, Emanuel Stingu, and Ruwanga Dassanayake (collectively, "Plaintiffs"). Plaintiffs seek a declaratory judgment that they have not breached any agreements with Defendant Semtech Corporation ("Semtech"), and/or misappropriated any trade secrets belonging to Semtech. *See* Dkt. 1 at 1. Semtech filed its Answer, Affirmative Defenses, and Counterclaims (Dkt. 7), on November 16, 2018, in which Semtech filed seven affirmative defenses as well as counterclaims for damages, injunction, and other relief. *See* Dkt. 7 at 7–8. In its Counterclaims, Semtech alleges violation of the Defend Trade Secrets Act, 18 U.S.C. § 1836, the Texas Uniform Trade Secrets Act, TEX. CIV.

PRAC. & REM. CODE § 134A, breach of contract, breach of fiduciary duty under Texas common law, and tortious interference with contractual relations under Texas common law. *See* Dkt. 7 at 23–41.

Semtech filed a Motion for Preliminary Injunction on November 21, 2018. *See* Dkt. 14. Additionally, on the same day, Semtech filed a Motion to Expedite Discovery (Dkt. 22), seeking discovery related to its Motion for Preliminary Injunction, *see* Dkt. 22, and an Unopposed Motion to Shorten Time to File Response (Dkt. 23) related to the Motion to Expedite Discovery.

A. Motion to Expedite Discovery (Dkt. 14)

Semtech filed a Motion to Expedite Discovery on November 21, 2018. *See* Dkt. 22. Subsequently, the parties filed the Joint Stipulation, setting forth an agreed upon scheduling plan for discovery. *See* Dkt. 30. Consequently, Semtech’s Motion to Expedite Discovery (Dkt. 22) is **DENIED AS MOOT**.

B. Joint Stipulation (Dkt. 30)

In the Joint Stipulation, the parties agree on how to handle confidential documents and information produced or disclosed by the Parties in this action. *See* Dkt. 30 at 2; *see also* Dkt. 30-1. Additionally, the parties agree to a discovery, briefing, and hearing schedule with respect to Semtech’s Motion for Preliminary Injunction. *See* Dkt. 30. The Court, therefore, withdraws the responsive deadlines set forth in the Memorandum Opinion and Order (Dkt. 25).

The Court enters this case-specific Order which controls disposition of the Preliminary Injunction (Dkt. 14) pending further order of the Court. The following actions shall be completed by the date indicated.¹

December 3, 2018 Semtech shall formally serve discovery attached to its Motion. Spark shall serve no more than ten interrogatories and ten document requests.

¹ If a deadline falls on a Saturday, Sunday, or a legal holiday as defined in Fed. R. Civ. P. 6, the effective date is the first federal court business day following the deadline imposed.

- December 17, 2018** Parties shall serve Initial Disclosures, per FED. RULE CIV. P. 26(a).
- January 18, 2019** Parties shall: (1) serve responses to written discovery requests; (2) produce documents responsive to the document requests; and (3) serve privilege logs.
- February 28, 2019** Parties shall complete depositions for up to four individuals per side. *See* Dkt. 30 at 3.
- March 14, 2019** Semtech shall serve any supplemental briefing in support of its Motion for Preliminary Injunction (Dkt. 14).
- April 4, 2019** Spark shall file and serve its Opposition to the Preliminary Injunction Motion.
- April 18, 2019** Semtech shall file and serve its Reply.
- May 1, 2019** 10:00 a.m. Oral argument in Courtroom 108, 7940 Preston Road, Plano, Texas 75024.

IT IS FURTHER ORDERED the parties' Rule 16 Management Conference on January 28, 2019 is hereby **CANCELLED**.

IT IS SO ORDERED.

SIGNED this 3rd day of December, 2018.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE