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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

16
 17 The Morning Star Packing Company, et. al.,
 18 Plaintiffs,
 19 v.
 20 S.K. Foods, L.P., et. al.,
 21 Defendants.

No. 2:09-CV-00208-KJM-EFB

**[PROPOSED] ORDER RE
 DEFENDANT INGOMAR PACKING
 COMPANY, LLC'S MOTION TO
 COMPEL RESPONSES TO
 INTERROGATORIES 1, 3 AND 5,
 AND REQUESTS FOR PRODUCTION
 4, 6, 7, 9, 11, 53, 54, 55, 56, 57 AND 58**

Date: September 3, 2014
 Time: 10:00 a.m.
 Place: Courtroom 8
 Judge: Magistrate Judge
 Edmund F. Brennan

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 25 Defendant Ingomar Packing Company's ("Ingomar") motion to compel plaintiffs The
 26 Morning Star Packing Company, Liberty Packing Company, LLC, California Fruit & Tomato
 27 Kitchens, LLC, and the Morning Star Company (collectively "Plaintiffs") to produce substantive
 28

1 and complete responses to Ingomar's Interrogatories 1, 3 and 5, and its Requests for Production
2 4, 6, 7, 9, 11, 53, 54, 55, 56, 57 and 58 came on regularly for hearing before the Hon. Edmund F.
3 Brennan on September 3, 2014. Stephen Zovickian of Bingham McCutchen LLP appeared for
4 defendant Ingomar; Charles Jaeger of Farmer Brownstein Jaeger LLP appeared for defendants
5 Los Gatos Tomato Products and Stuart Woolf; and James Kachmar of Weintraub Tobin Chediak
6 Coleman Gordin appeared for Plaintiffs.

7 Having considered the motion and papers on file, and the arguments made by counsel at
8 the hearing, the Court overrules the Plaintiffs' objections and orders as follows:

9 1. With respect to Interrogatory No. 1, the motion is granted. Plaintiffs are ordered
10 to serve a complete supplemental response providing the information sought by the
11 interrogatory, including an identification of all the sales sought by the interrogatory, on or before
12 September 17, 2014.

13 2. With respect to Interrogatory No. 3, the motion is granted. Plaintiffs are ordered
14 to serve a complete supplemental response providing the information sought by the interrogatory
15 on or before September 17, 2014.

16 3. With respect to Interrogatory No. 5, the motion is granted as to the interrogatory
17 revised as follows:

18 Separately for each potential sale of PROCESSED TOMATO
19 PRODUCTS identified in response to Interrogatory No. 1, and for
20 each sale of PROCESSED TOMATO PRODUCTS, identified in
21 response to Interrogatory No. 2, state PLAINTIFFS' expected
22 profit margin on the sale.

23 Plaintiffs are ordered to serve a complete supplemental response providing the information
24 sought by the revised interrogatory on or before September 17, 2014.

25 4. All documents referred to in the supplemental interrogatory responses hereby
26 ordered as to Interrogatory Nos. 1, 3, and 5 shall be identified by bates numbers on or before
27 September 17, 2014.

1 5. With respect to Request for Production Nos. 4, 6, 7, 9, 11, 53, 54, 55, 56, 57 and
2 58, the motion is granted as to the following categories of documents for the time period
3 January 1, 2004 through the last date on which Plaintiffs claim damages:

- 4 • Sales reports/histories for relevant customers, i.e., the customers for whom
5 plaintiffs are asserting damages;
- 6 • Inventory reports;
- 7 • Pre-and post-season pack plans;
- 8 • Pre-and post-season sales plans;
- 9 • Production histories; and
- 10 • Final bids and contract offers to the relevant customers, i.e., the customers for
11 whom plaintiffs are asserting damages.

12 These six categories are collectively referred to as the “Six Categories of Documents.” As to
13 these documents, the Court orders as follows:

14 A. Plaintiffs shall provide defendants, on or before September 17, with a
15 verified affidavit, signed by a representative with personal knowledge, attesting to the following:

- 16 1) That a reasonable search has been made with respect to the Six
17 Categories of Documents.
- 18 2) Whether the documents that comprise the Six Categories of
19 Documents have been produced and, if so, the bates numbers for
20 the documents that have been produced in each category.
- 21 3) Whether any documents that comprise the Six Categories of
22 Documents have not been produced and, if so, whether the non-
23 produced documents exist.

24 B. If documents that comprise any of the Six Categories of Documents exist
25 but have not been produced, Plaintiffs shall produce these documents to Defendants on or before
26 September 17, 2014 organized according to the Six Categories of Documents.

27 6. The deposition of Mr. Rufer is currently noticed to begin on September 29, 2014.
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1 In light of the above rulings, the deposition now shall commence on or before October 13, 2014.
2 By September 10, counsel for Plaintiffs shall provide counsel for defendants Ingomar and Los
3 Gatos all available dates for the deposition of Mr. Rufer between September 29 and October 13,
4 including dates between October 6 and October 13. Defendants may then choose when to
5 commence the deposition.

6 **IT IS SO ORDERED.**

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8 DATED: September 9, 2014.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE