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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 LOOP AI LABS INC,
7 Plaintiff,

8 v.

9 ANNA GATTI, et al.,
10 Defendants.
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Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER RE DISCOVERY SANCTIONS
AS TO DEFENDANTS GATTI AND
IQSYSTEM, LLC**

Re: Dkt. Nos. 648, 696

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13 On May 6, 2016, the court issued an order granting in part and denying in part Plaintiff
14 Loop AI Labs Inc.'s motions to compel further discovery from Defendants Anna Gatti and
15 IQSystem, LLC ("IQS LLC"). [Docket No. 648.] In the order, the court concluded that Gatti and
16 IQS LLC's objections to Plaintiff's discovery were not substantially justified and noted,
17 "sanctions appear warranted pursuant to Rule 37(a)(5)(ii)." Id. at 7. The court ordered Plaintiff to
18 elect between two options, should the court ultimately decide to impose sanctions—either 1)
19 Gatti's appearance for an additional seven hours of deposition or 2) Gatti and IQS LLC's payment
20 of the reasonable attorneys' fees Plaintiff incurred in moving to compel. Id. at 7-8. The court
21 ordered Plaintiff to "file a letter simply electing option (1) or (2), and nothing more" by May 20,
22 2015, and set a deadline for Gatti and IQS LLC's response. Id. at 8.

23 Plaintiff did not comply with the court's order. Instead, on May 20, 2015, Plaintiff filed a
24 letter to the court in which it sought permission to serve "certain [unidentified] Subpoenas that are
25 material to the claims in this case, in lieu of redepousing Defendant Gatti or obtaining a fee award."
26 [Docket No. 696.] The court chose two potential sanctions which were tailored to the conduct at
27 issue, and allowed Plaintiff to select between them. Plaintiff did not do so, and in fact, failed to
28 comply with the court's order. The court therefore declines to impose Rule 37(a)(5)(ii) sanctions

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against Gatti and/or IQS LLC for the discovery conduct at issue in the May 6, 2016 order.

IT IS SO ORDERED.

Dated: July 4, 2016

