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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION  
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13 GIANNI VERSACE, S.P.A. and VERSACE  
 14 USA, Inc.

15 Plaintiffs,

16 vs.

17 VERSACE 19.69 ABBIGLIAMENTO  
 SPORTIVO S.R.L., THEOFANIS PAPADAS,  
 18 SUSAN VALERO, VALERO  
 ENTERPRISES, INC., BRILLIANCE NEW  
 19 YORK LLC, V1969 BH LLC, V1969  
 VERSACE SMO LLC, V1969 VERSACE HG  
 20 LLC, and V1969 USA LLC.

21 Defendants.  
 22

Case No. 4:16-cv-03617-HSG (LB)

**STIPULATED ~~PROPOSED~~ ORDER  
 REGARDING SEPTEMBER 27, 2017  
 JOINT LETTER BRIEF**

23 Plaintiffs Gianni Versace, S.p.A. and Versace USA Inc. (“Versace”) and Defendants  
 24 Versace 19.69 Abbigliamento Sportivo S.r.l. and Theofanis Papadas (“VAS Defendants”) filed a  
 25 joint letter brief on September 27, 2017 addressing four issues in discovery: a) VAS Defendants’  
 26 insufficient production and production in a not reasonably usable form; b) VAS Defendants’  
 27 insufficient answers to Versace’s Second Interrogatories; c) extension of discovery for Versace;  
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1 and d) Versace’s deposition of Theofanis Papadas and 30(b)(6) deposition of Versace 19.69. *See*  
2 Docket No. 192.

3 The Court resolved issues b) and c) in its September 27, 2017 order. *See* Docket No. 193.  
4 In this order, the Court also required the parties to meet and confer for 45 minutes prior to the  
5 scheduled discovery hearing on September 28. The parties have done so, and have reached a  
6 number of agreements set forth below.

7 Pursuant to those agreements, the Court hereby ORDERS as follows:

8 **A. VAS Defendants’ Document Production**

9 1. All future productions by the VAS Defendants will be made with sufficient  
10 metadata to constitute a “reasonably usable form” of production under Fed. R. Civ. P. 34 or they  
11 will be produced in the ordinary course of how the documents are kept, such as in native form.  
12 Versace has agreed that within reason, if the VAS Defendants produce raw native documents to  
13 Versace, Versace will Bates number the documents for the VAS Defendants using a discovery  
14 vendor.

15 2. VAS Defendants shall produce all documents responsive to Versace’s  
16 Second Requests for Production, and a privilege log if applicable, by 5pm Pacific on October 6,  
17 2017. In addition to ensuring that this production includes all documents responsive to the Second  
18 Set of Requests for Production, this production must address the examples of deficiencies outlined  
19 in Exhibit A to the Mendoza Supplemental Declaration (Docket No. 188-2) and the example of  
20 deficiencies related to Mr. Dimitriou as outlined in the Luedtke Declaration (Docket No. 188-1).  
21 The production shall also address other holes in the prior productions that are identified when the  
22 process of review and collection is evaluated in light of those examples of deficiencies.

23 3. VAS Defendants shall provide a declaration from counsel or the client by  
24 October 6 that describes the process of collecting, reviewing, and producing documents responsive  
25 to Versace’s Second Requests for Production. This declaration must contain sufficient detail to  
26 help the parties assess whether this process has been appropriate to identify all responsive  
27 documents. This declaration should include a description of the process used to find the  
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1 documents identified in the Mendoza Supplemental Declaration (Docket No. 188-2), as well as an  
2 overview of the collection and search process VAS Defendants employed throughout discovery.

3 4. Versace preserves its rights to seek sanctions and fees related to the above  
4 or any other discovery issue it has raised to the Court.

5 **C. Versace's Depositions**

6 5. The parties agree that Versace may take 14 depositions.

7 **D. Deposition of Theofanis Papadas and Versace 19.69**

8 6. VAS Defendants offered Milan as a compromise location for Versace's  
9 deposition of Theofanis Papadas and 30(b)(6) deposition of Versace 19.69. Versace agrees to this  
10 compromise. The Court thus orders that the deposition of Mr. Papadas and the Versace 19.69  
11 Rule 30(b)(6) deposition shall proceed on October 25-27, 2017 in Milan, Italy.

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13 IT IS SO ORDERED.

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16 DATED: September 28, 2017



\_\_\_\_\_  
Honorable Judge Laurel Beeler  
United States Magistrate Judge

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19 IT IS SO STIPULATED

20 DATED: September 28, 2017

MUNGER, TOLLES & OLSON LLP

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By:           /s/ Carolyn Hoecker Luedtke

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CAROLYN HOECKER LUEDTKE

Attorneys for Plaintiffs

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24 DATED: September 28, 2017

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By:           /s/ Gerald F. Dunne

26

GERALD F. DUNNE

Attorneys for the VAS Defendants

27 Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this  
28 document has been obtained from each of the above signatories.