

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC CORP. and)	
BOSTON SCIENTIFIC)	
NEUROMODULATION CORP.,)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 16-1163-CFC
)	
NEVRO CORP.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Pending before the Court are Plaintiffs’ Objections (D.I. 569) to the Magistrate Judge’s February 24, 2021 Order (D.I. 545). Plaintiffs object specifically to the Magistrate Judge’s decision to limit the trade secret discovery sought by Plaintiffs to the alleged misappropriation of trade secrets by James Thacker.

“Pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), non-dispositive pre-trial rulings made by magistrate judges on referred matters should only be set aside if clearly erroneous or contrary to law.” *Masimo Corp. v. Philips Electronics North America Corporation*, 2010 WL 2836379, at *1 (D. Del. July 15, 2010). “A finding is clearly erroneous if the determination “(1) is completely devoid of minimum evidentiary support displaying some hue of

credibility, or (2) bears no rational relationship to the supportive evidentiary data . . .” *Id.* (quoting *Haines v. Liggett Group Inc.*, 975 F.2d 81, 92 (3d Cir.1992)).

Applying this standard to the Magistrate Judge’s Order, the Court finds no error in his decision. Decisions regarding the scope of discovery permitted under Rule 26(b)(1) are discretionary. *Wisniewski v. Johns–Manville Corp.*, 812 F.2d 81, 90 (3d Cir.1987). It is apparent from the transcript of the hearing held by the Magistrate Judge to address Plaintiffs’ discovery requests and the content of the February 24, 2021 Order that the Magistrate Judge thoughtfully considered the arguments raised by Plaintiffs in support of their discovery requests. The Court finds that the Magistrate Judge did not abuse his discretion in concluding that the discovery Plaintiffs seek by way of their Objections is not sufficiently related to the trade secret misappropriation claim they have alleged in Count IX.

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiffs’ Objections (D.I. 569) are OVERRULED.

4-21-21
Date


United States District Judge