

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 06-60905-CIV-ALTONAGA/Turnoff

F & G RESEARCH, INC.,

Plaintiff,

vs.

GOOGLE INC.,

Defendant.

**ORDER GRANTING PLAINTIFF’S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS UNDER RULE 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

**THIS CAUSE** came before the Court upon Plaintiff’s Motion to Compel Production Discovery and for Sanctions Under Federal Rules of Civil Procedure 37(d). Based on the parties’ arguments and after due consideration, it is:

**ORDERED and ADJUDGED** that said motion is GRANTED. The Court finds that Defendant’s failure to produce its software engineer, brian McClendon and its marketing director for a deposition was not substantially justified and therefore:

1. Defendant shall immediately produce Brian McClendon and its marketing director for a deposition within 5 days of the date of this order.
2. Plaintiff is entitled to “the reasonable expenses incurred in making the motion, including attorney’s fees...” Fed. R. Civ. P. 37(a)(4)(A). Within 10 days of the date of this order,

Plaintiff shall file a detailed statement of the reasonable expenses, including attorneys' fees, to which it is entitled pursuant to Rule 37. Within five days of receiving that statement, Defendant shall file any objections to the amounts to which Defendant claims it is entitled.

**DONE AND ORDERED** in Chambers at Miami, Florida, this \_\_\_ day of June, 2007.

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WILLIAM C. TURNOFF  
UNITED STATES MAGISTRATE JUDGE

Copies provided to:  
All counsels of record