

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)
 BISTRA PASHAMOVA,)
)
 Plaintiff,)
)
 v.)
)
 NEW BALANCE ATHLETIC SHOE, INC.)
)
 Defendant.)
 _____)

Civil Action No. 11-10001-LTS

_____)
 KIMBERLY CAREY,)
 SHANNON DILBECK)
)
 Plaintiffs,)
)
 v.)
)
 NEW BALANCE ATHLETIC SHOE, INC.)
)
 Defendant.)
 _____)

Civil Action No. 11-10632-LTS

ORDER ON PENDING MOTIONS

July 15, 2011

SOROKIN, M.J.

Pending Motions in 11cv10001-LTS

The Motion to Appoint Interim Class Counsel (#11 in 11cv10001-LTS) is ALLOWED.

The Motion to Strike (#47 in 11-cv-10001-LTS) is ALLOWED.

The First Motion to Amend the Complaint (#36 in 11-cv-10001-LTS) is ALLOWED (and thus Pashamova’s name shall be removed from the caption and all future pleadings) subject to

the following conditions: (1) Pashamova shall make herself available for a deposition which shall occur in her home state at a location and time reasonably convenient to the deponent including weekends if requested; (2) the deposition transcript is sealed, is subject to the protective order in this case and may not be made public or filed in court except under seal, absent prior permission of the Court; (3) the deposition shall be transcribed but not videotaped; and (4) there shall be no questions at the deposition concerning the matters posted on the internet that have given rise to Pashamova's desire to withdraw from this case.

The Motion to Compel Discovery (#26 in 11-cv-10001-LTS) is ALLOWED in that Pashamova shall respond to any outstanding requests for documents. The Motion is DENIED AS MOOT in light of the ruling on the Motion to Amend regarding her deposition and DENIED in all other respects.

The Motion for Protective Order by New Balance (#28 in 11cv10001-LTS and #22 in 11-cv-10632-LTS) is ALLOWED subject to the following changes.

Regarding ¶ 8, the Court will await the further filings by the parties due on July 28, 2011.

Regarding ¶ 3, the proposed paragraph shall be replaced with the following language - "The provisions of Rule 26(b)(5)(B) govern inadvertent production and are incorporated herein."

Regarding ¶ 4, the parties shall add the following language: "Nothing about the post-production designation of confidentiality shall prevent a challenge to the designation pursuant to the procedures established in this Order."

Regarding ¶5, the reasonable notice and hearing provision shall be replaced with the following language: "after reasonable notice and a hearing, if the Court deems such hearing warranted."

Regarding ¶6, the word "solely" is deleted.

Regarding ¶ 13, no changes are made.

The Motion to Withdraw (#53) is ALLOWED.

Pending Motions in 11cv10632-LTS

Docket numbers 11 and 13 are TERMINATED as having been resolved by the federal court in California prior to transfer of this action to this district.

The Motion to Dismiss the Fifth Cause of Action (#20) is DENIED WITHOUT PREJUDICE to renewal at a later stage of the proceedings, notwithstanding the able oral and written presentation of counsel.

/s / Leo T. Sorokin
UNITED STATES MAGISTRATE JUDGE