

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GIASSON AEROSPACE SCIENCE, INC., et al.,

Plaintiffs,

v.

Case No. 08-13667

RCO ENGINEERING, INC.,

Defendant.

**ORDER (1) GRANTING DEFENDANT'S MOTION TO COMPEL DEPOSITION AND
SETTING DEADLINE FOR DEPOSITION OF MARC TRUDEL; (2) DENYING
DEFENDANT'S MOTION FOR THE ISSUANCE OF LETTERS ROGATORY; (3)
TERMINATING DEFENDANT'S MOTION TO COMPEL ANSWERS TO
INTERROGATORIES; AND (4) TERMINATING DEFENDANT'S MOTION FOR
SANCTIONS**

On November 16, 2009, the court conducted a telephone conference in the above-captioned case with counsel for all parties on the record. During the conference, the court discussed its October 7, 2009 partial stay of discovery. The stay was due to Brigitte Giasson's illness and was set to expire on November 16, 2009. Counsel for Plaintiffs indicated that Ms. Giasson has recovered, so the court will allow the partial stay to expire according to its terms as set out in the October 7, 2009 Order.

The parties and the court also discussed several pending discovery motions and one pending motion for sanctions. As the court pointed out during the conference, the tone and substance of the parties' briefs have become contentious and uncivil. The court strongly urges the parties to refrain from such behavior and, instead, conduct themselves "at all times [with] personal courtesy and professional integrity in the fullest sense of those terms." E.D. Mich. Civility Principles, *Preamble*.

On September 23, 2009, Defendant filed a motion to compel the deposition of Marc Trudel, Ms. Giasson's husband and non-employee administrator for Giasson Design. In a related motion, Defendant asks the court to issue letters rogatory for the depositions of Mr. Trudel, Ms. Giasson, and Gino Martin, all of whom apparently reside in Canada. The court will order the parties to depose Mr. Trudel by November 25, 2009, if Plaintiffs wish to be able to rely on his testimony at trial. The court expects the parties to arrange for the depositions of Ms. Giasson and Gino Martin without further motion practice.

On October 23, 2009, Defendant filed a "Motion to Compel Answers to Interrogatories." The court will terminate this Motion because Defendant failed to adequately seek concurrence as required by Eastern District of Michigan Local Rule 7.1(a). The court directs the parties to confer in good faith.

On November 13, 2009, Defendant filed for Rule 11 sanctions, arguing that Plaintiffs' trade secrets claim is frivolous. Before Defendant filed the Rule 11 "Motion for Sanctions," Defendant filed its "Motion for Partial Summary Judgment on Count VIII," the trades secrets claim. The "Motion for Partial Summary Judgment" is still pending before this court. Because Defendant's "Motion for Sanctions" depends, in part, on the resolution of the "Motion for Partial Summary Judgment," the court will terminate the "Motion for Sanctions." Defendant may renew the "Motion for Sanctions" or file a different one depending on the outcome of its "Motion for Partial Summary Judgment." Accordingly,

IT IS ORDERED that “RCO’s Motion to Compel the Deposition of Giasson Design, Inc. Administrator Marc Trudel or in the Alternative to Preclude Plaintiffs’ Use of or Reliance on Testimony or Evidence of Marc Trudel” [Dkt. # 66] is GRANTED.

IT IS FURTHER ORDERED that the parties shall arrange for the deposition of Marc Trudel on or before November 25, 2009, or the parties will be prohibited from relying on Mr. Trudel’s testimony. Each party shall cooperate to the fullest extent possible in arranging for this deposition and each party shall pay their own expenses.

IT IS FURTHER ORDERED that Defendant’s “Motion for the Issuance of Letters Rogatory” [Dkt. # 67] is DENIED.

IT IS FURTHER ORDERED that Defendant’s “Motion to Compel Answers to Interrogatories” [Dkt. # 87] is TERMINATED.

IT IS FURTHER ORDERED that Defendant’s “Motion for Sanctions” [Dkt. # 96] is TERMINATED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 20, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 20, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522