

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

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GIASSON AEROSPACE SCIENCE, INC., et al.,

Plaintiffs,

v.

Case No. 08-13667

RCO ENGINEERING, INC.,

Defendant.

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**ORDER DENYING DEFENDANT’S MOTION FOR A PROTECTIVE ORDER  
WITHOUT PREJUDICE AND DIRECTING ESTABLISHMENT OF EXPERT PANEL**

On February 9, 2009, the court conducted a status conference in the above-captioned matter. Plaintiffs Giasson Aerospace Science, Inc. and Giasson Design, Inc. initiated suit against Defendant RCO Engineering, Inc. on August 25, 2008. According to Plaintiffs’ complaint, Plaintiffs and Defendant prepared to enter into a joint venture in which Defendant would engineer a production process for an airplane seat designed by Plaintiffs. Plaintiffs further allege that Defendant subsequently appropriated Plaintiffs’ design for Defendant’s own use. Now pending before the court is Defendant’s motion for a protective order, filed on January 30, 2009. During the February 9, 2009 status conference, the parties discussed their concerns regarding the implementation of a protective order and their desire for an efficient resolution of the case. In response, the court proposed, and the parties agreed, to institute a panel of independent engineering experts to evaluate the plausibility of Plaintiffs’ claims for the purpose of settlement negotiations (“Expert Evaluation”). Accordingly,

IT IS ORDERED that Defendant's motion for a protective order [Dkt. # 24] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that, on or before **February 17, 2009**, the parties submit to the court, by joint letter, the identification of the experts and the experts' task for the Expert Evaluation; the Expert Evaluation shall be completed prior to **March 26, 2009**.<sup>1</sup>

IT IS ALSO ORDERED that the parties submit, on or before **February 17, 2009**, a stipulated proposed interim protective order to govern the Expert Evaluation.<sup>2</sup>

Finally, the court will conduct a telephone status conference on **March 26, 2009 at 10:00 a.m.** to be initiated by the court, and IT IS ORDERED that discovery, other than that necessary for the Expert Evaluation, is STAYED.

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

Dated: February 11, 2009

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<sup>1</sup> At the February 9, 2009 status conference, the parties agreed to share the costs of the Expert Evaluation, for which they will engage a panel of three engineering experts. The parties have agreed that each side shall choose one expert, and the third expert shall be chosen by the two previously selected experts. The parties are further directed to apprise the court periodically regarding the status of the Expert Evaluation by lodging joint letters with the court.

<sup>2</sup> In the event the parties cannot agree on either the institution of the Expert Evaluation or the stipulated proposed interim protective order, the parties should contact the court's case manager by **February 17, 2009** to schedule a telephone conference.

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 11, 2009, by electronic and/or ordinary mail.

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