

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WEATHERUNDERGROUND, INC.,

Plaintiff,

CIVIL ACTION NO. 09-10756

v.

DISTRICT JUDGE MARIANNE O. BATTANI

NAVIGATION CATALYST

MAGISTRATE JUDGE VIRGINIA M.
MORGAN

SYSTEMS, INC.,

Defendant.¹

ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO COMPEL
DISCLOSURES AND FOR SANCTIONS (D/E #29)

This matter comes before the court on plaintiff's "Motion for an Order Compelling Disclosure and for Sanctions for Defendant's Failure to File Adequate Initial Disclosures as required under Fed. R. Civ. P. 26(a)" (D/E #29). Defendant filed a response in opposition to that motion (D/E #34) and this court heard oral arguments on February 11, 2010. For the reasons stated on the record at that hearing, this court orders that plaintiff's motion is **GRANTED** and that defendant must provide its full and complete initial disclosures by February 26, 2010. If defendant fails to do so, then this court will recommend that defendant be sanctioned and prohibited from using any witness or document that was not properly disclosed. This court also orders that, if the parties are unable to agree on a protective order by February 19, 2010, then the

¹All of the other defendants named in the complaint; Basic Fusion, Inc., Connexus, Corp., and Firstlook, Inc., have been dismissed due to a lack of personal jurisdiction (D/E #29).

parties are to submit proposed protective orders to this court and one will be entered.

SO ORDERED.

S/Virginia M. Morgan
Virginia M. Morgan
United States Magistrate Judge

Dated: February 16, 2010

PROOF OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System and/or U. S. Mail on February 16, 2010.

s/Jane Johnson
Case Manager to
Magistrate Judge Virginia M. Morgan