

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

CIVIL NO. 08-1010 (RHK/JSM)

Plaintiff,

v.

ORDER

TREK BICYCLE CORPORATION,

Defendant.

JANIE S. MAYERON, U.S. Magistrate Judge

The above matter came on before the undersigned on January 15, 2009, upon plaintiff's Motion to Compel Responses to its First Set of Discovery Requests [Docket No. 49]; Trek's Motion to Compel Rule 37 Conference Requests [Docket No. 55]; and Trek's Motion to Compel Responses to Trek's First Set of Written Discovery to Lemond Cycling, Inc. [Docket No. 61]. Denise S. Rahne, Esq., and Jennifer M. Robbins, Esq. appeared on behalf of plaintiff. Ralph A. Weber, Esq. and Erik T. Salveson, Esq. appeared on behalf of defendant.

The Court, being duly advised in the premises, upon all of the files, records, and proceedings herein, and for the reasons stated on the record at the hearing, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion to Compel Responses to its First Set of Discovery Requests [Docket No. 49] has been resolved by the parties in part, and is **DENIED** in part as follows:

- a. Plaintiff's Motion to Compel as it relates to Document Request Nos. 3, 11, 16, 24 and the privilege logs is **RESOLVED** pursuant to an agreement by the parties, as stated on the record.
 - b. Plaintiff's Motion to Compel as it relates Interrogatory No. 8 and Document Request No. 23 is **DENIED**.
2. Trek's Motion to Compel Rule 37 Conference Requests [Docket No. 55] is **GRANTED**.
3. Defendant's Motion to Compel Responses to Trek's First Set of Written Discovery to Lemond Cycling, Inc. [Docket No. 61] has been resolved by the parties in part, is **GRANTED** in part and **DENIED** in part as follows:
- a. Defendant's Motion to Compel as it relates to Interrogatory Nos. 1-3 and Document Request Nos. 14 and 18 (to the extent they pertained to cycling related businesses); Interrogatory Nos. 4, 5, 6, 7, 8, 9; and Document Request Nos. 1, 2, 3, 6, 7, 9, 11 and 15 is **RESOLVED** pursuant to an agreement by the parties, as stated on the record.
 - b. Defendant's Motion to Compel as it relates Document Request No. 13 is **GRANTED** as it pertains Greg Lemond and his cycling related entities from 1999 to the present and **DENIED** as to any other business entities. These tax returns shall be designated as attorney's eyes only, consistent with the October 6, 2008 Stipulated Protective Order [Docket No. 47].
 - c. Defendant's Motion to Compel as it relates Document Request No. 26 is **GRANTED** as it pertains to individual or joint tax returns for Greg Lemond from 1999 to the present. These tax returns shall be designated as attorney's eyes only, consistent with the October 6, 2008 Stipulated Protective Order [Docket No. 47].
 - d. Defendant's Motion to Compel as it relates to Interrogatory Nos. 1-3 and Document Request Nos. 14 and 18, to the extent they pertained to non-cycling related businesses, is **DENIED**.

Dated: January 16, 2009

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge