

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MULTIFEEDER TECHNOLOGY, INC.
A MINNESOTA CORPORATION,

PLAINTIFF,

v.

BRITISH CONFECTIONERY COMPANY LIMITED
a duly incorporated under the laws of Province
of Newfoundland, DOMINO AMJET, INC.

DEFENDANTS.

CIVIL No. 09-1090 (JRT/AJB)

ORDER OPINION

Kristin L. Kingsbury William Christopher Penwell, Gerald S. Duffy, and Sara B. Kalis, Siegel Brill Greupner Duffy & Foster, PA, 100 Washington Avenue South, Suite 1300, Minneapolis MN 55401 (for Plaintiff);

Paul B Civello, Maslon Edelman Borman & Brand, LLP, 90 South 7th Street, Suite 3300, Minneapolis, MN 55402 (for Defendant British Confectionery Company Limited);

Cynthia A. Moyer and Sarah C. S. McLaren, Fredrikson & Byron, PA, 200 South 6th Street, Suite 4000, Minneapolis, MN 55402-1425 (for Defendant Domino AmJet, Inc.).

This matter is before the Court, United States Magistrate Judge Arthur J. Boylan, on Plaintiff's Motion to Compel [Docket No. 45]. A hearing was held on the motion on September 1, 2010. William Christopher Penwell appeared on behalf of Plaintiff. Paul B. Civello appeared on behalf of Defendant British Confectionery Company Limited. Sarah C.S. McLaren appeared on behalf of Defendant Domino AmJet, Inc.

Plaintiff brought the present motion seeking an order compelling Defendant British Confectionery Company Limited to produce documents responsive to Document Request Nos. 31, 51, and 53, as well as compelling Defendant British Confectionery Company Limited to

produce certain witnesses for depositions before the end of November 2010. Defendant British Confectionery Company Limited filed no memorandum in opposition to the motion and stated on the record that Defendant British Confectionery Company Limited either has produced all documents responsive to Plaintiff's document requests or full responses are forthcoming.¹ In terms of the depositions, Defendant British Confectionery Company Limited stated on the record that it intends to produce the witnesses before the end of November 2010, as requested. Given that there is no opposition to Plaintiff's motion, Plaintiff's motion is granted to the extent that on or before September 15, 2010, Defendant British Confectionery Company Limited shall produce all documents responsive to Document Requests Nos. 31, 51, and 53,² and on or before September 10, 2010, Defendant British Confectionery Company Limited shall provide Plaintiff with dates on which depositions of the British employees and representatives identified in Defendant's Rule 26 disclosure can be taken; the date for depositions shall be before November 30, 2010. The circumstances make an award of expenses unjust.

Based upon the record, memoranda, and oral arguments of counsel, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel [Docket No. 45] is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. On or before September 15, 2010, Defendant British Confectionery Company Limited shall produce all documents responsive to Document Requests No. 31, 51, and 53;
2. On or before September 10, 2010, Defendant British Confectionery Company Limited shall provide Plaintiff with dates on which depositions of the British employees and

¹ A hearing was held because Plaintiff wanted a record of Defendant's assurances in regards to Defendant's complete production.

² This Court does not anticipate any further production to Document Requests Nos. 31, 51, and 53 based upon Defendant's representations.

representatives identified in Defendant's Rule 26 disclosure can be taken; the date for depositions shall be before November 30, 2010.

3. Plaintiff's motion is denied in all other respects.

Dated: 9/2/10

s/ Arthur J. Boylan
Chief Magistrate Judge Arthur J. Boylan
United States District Court