

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

TRIMBLE NAVIGATION LIMITED, a)		
California corporation,)		
)		
Plaintiff,)		8:07CV112
)		
v.)		
)		
RHS, INC., a Kansas)		ORDER
corporation, CSI WIRELESS,)		
INC., a Canadian corporation,)		
and SATLOC, INC., an Arizona)		
corporation,)		
)		
Defendants.)		
_____)		

This matter came on for hearing on March 28, 2007, pursuant to plaintiff's motion to compel Kelvin M. Korver ("Korver") to comply with subpoena. Kenneth Hartman appeared on behalf of the defendants, RHS, Inc., CSI Wireless, Inc. and SATLOC, Inc. Scott Tollefsen appeared on behalf of Korver. No other parties appeared.

Defendants seek an order compelling Korver to comply with the subpoena by appearing at a deposition on March 23, 2007, and to produce a voluminous amount of documents by March 19, 2007. Korver underwent surgery on March 19, 2007 (Aff. of James W. Gallentine ("Gallentine Aff"), ¶ 3). His physician has ordered him to minimize all activities for six weeks post-surgery and stay off his feet and keep his left foot elevated for most of the day for a period of four to six weeks post-surgery (Gallentine Aff, ¶ 4). Dr. Gallentine also prescribed pain

medications for Korver to be taken for four to six weeks post-surgery, depending on his pain level, including hydrocodone (Gallentine Aff. ¶ 4).

While the Court finds that the motion should be granted, in light of Korver's recent surgery and his need for pain medications it is necessary to allow Korver to complete his convalescence prior to requiring him to be deposed or to gather the responsive documents. Accordingly,

IT IS ORDERED:

- 1) Defendants' motion is granted;
- 2) Kelvin M. Korver has until May 21, 2007, to produce the documents requested, and until May 25, 2007, to appear at a deposition;
- 3) All materials produced by Korver as well as all information disclosed at his deposition are subject to the protective order entered by the Court in the case of *Trimble Navigation Limited v. RHS, Inc., et al.*, civil case 03-01604 (N.D. Cal) dated January 20, 2004 (Ex. 9 to the Affidavit of Steven D. Tang (Filing No. 4);
- 4) Korver is entitled to recover costs incurred in complying with this order pursuant to Fed. R. Civ. P. 45

(C)(2)(B), and an application for costs shall be filed with the Court on or before June 22, 2007.

DATED this 12th day of April, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court