

United States District Court  
Eastern District of New York

MINUTE ORDER

14cv4566 (SLT)(MDG) Comco Plastics Inc. v. Timothy E. Butler, et al.,

This order summarizes the rulings made on the record during a conference held on March 26, 2015. Plaintiff's [27] motion to compel is granted in part and denied in part.

A. The parties must promptly exchange lists of their current and former customers as of October 2013 to the present. Comco must also provide a list of its "prospects."

B. The parties must produce the documents ordered herein or that they previously agreed to produce by 4/24/15.

Document Requests for Apexco

1. Requests 11, 12 and 17: Apexco must produce all responsive documents limited to current or former Comco customers and Comco "prospects" from October 2013 to present, except the lists of suppliers and vendors in response to request 17 are limited to the period from October 2013 to May 2014.

2. Requests 14 and 23: Apexco must produce all responsive documents limited to October 2013 through May 16, 2014.

3. Requests 21 and 22: Apexco must produce all responsive documents, with budgets and financial forecasts or projections of Apexco and PSS limited to October 2013 to June 2014 and business plans and marketing materials limited to October 2013 to present.

Document Requests for the Butler defendants

4. Defendants may not withhold documents on the grounds that plaintiff already possess those documents. See Tomlinson v. St. Paul Reinsurance Mgmt. Corp., 1997 WL 167051, at \*1 (S.D.N.Y. 1997).

5. Requests 1, 2, 3, 12, 14: all responsive documents must be produced.

6. Request 10: all responsive documents must be produced, except that any documents created after May 2014 are limited to bids or proposals made to current and former customers and prospects of Comco.

7. Request 18: all responsive documents must be produced, including any communications that led to the formation of the employment agreement previously produced.

8. Request 27: by agreement of the parties, the Butlers will produce a redacted version of the documents requested revealing only the pre-printed portions of the applications and information regarding Timothy Butler's employer, job title and job description.

**SO ORDERED.**

Dated: Brooklyn, New York  
March 27, 2015

\_\_\_\_\_/s/\_\_\_\_\_  
MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE