

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BILLANTI CASTING COMPANY, INC.,

Plaintiff,

-against-

ORDER

CV 11-2932 (LDW)(ARL)

FRANK BILLANTI CASTING COMPANY, INC.
and FRANK L. BILLANTI,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated December 12, 2011, seeking to compel the defendants to respond to its First Request for the Production of Documents and Interrogatories 4 and 5. The defendants oppose the application on the ground that it is not ripe. For the reasons set forth below, the application is granted.

The plaintiff served the defendants with its discovery requests on October 7, 2011. On November 7, 2011, the defendants responded by objecting to every one of the requests. The defendants argued that the information sought contained confidential and proprietary business information, the disclosure of which would injure the defendants. To address the defendants concern, a Confidentiality Order was entered on November 15, 2011. It is clear from counsels' correspondence that both parties agreed that the Confidentiality Order would provide sufficient protection of the information responsive to the requests. Nonetheless, the defendants have, to date, failed to respond, now claiming that the size of their company and the holiday season have delayed their responses.

Although counsel for the defendants is confident that she should have her clients documents in the "imminent future," the court will set a deadline for the responses. The

defendants shall provide complete responses to the Request for the Production of Documents and Interrogatories 4 and 5 no later than January 14, 2012. Failure to do so may result in the imposition of sanctions.

Dated: Central Islip, New York
December 20, 2011

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge