

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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GOJO INDUSTRIES, INC.,  
  
*Plaintiff,*  
  
*-against-*  
  
INNOVATIVE BIODEFENSE, INC.,  
  
*Defendant.*  
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15 Civ. 2946 (PAC)

**OPINION & ORDER**

HONORABLE PAUL A. CROTTY, United States District Judge:

The discovery stay is lifted, and the parties should resume discovery. The Court rules as follows on the pending discovery motions:

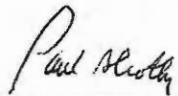
- **IBD’s February 12, 2016 motion** for the production of GOJO’s formula information (Dkt. 115). The motion is DENIED. IBD has failed to demonstrate the relevance of GOJO’s formula information to GOJO’s claims or IBD’s counterclaims.
- **IBD’s February 12, 2016 motion** opposing the clawback of inadvertently produced documents (Dkt. 116). The motion is DENIED. IBD’s waiver argument fails because the Stipulated Protective Order provides that inadvertently disclosed information “shall not constitute or be deemed a waiver or forfeiture.” In accordance with the Protective Order, IBD should return or destroy the inadvertently produced documents. If IBD believes any of those documents are not subject to the attorney-client privilege or work-product protection, it can raise those claims on the merits and on a document-by-document basis.
- **IBD’s January 26, 2016 motion** to compel production of certain categories of

documents (Dkt. 105). Based on GOJO's letter of April 20, 2016, the Court understands that GOJO will produce documents responsive to requests 1, 2, 4-7, 13-15, 17 and 18; but objects to document requests 8, 9, 10, 12 and 16 (Dkt. 125). If, after reviewing the newly produced documents, IBD still believes that GOJO's production is deficient, the parties should meet-and-confer to attempt to resolve the dispute. Absent resolution, the parties should be prepared to argue the remaining disputes at the conference scheduled for May 12, 2016, at 3:30 pm.

- At the May 12 conference, the parties should be prepared to discuss any remaining discovery issues and set a date for trial.

Dated: New York, New York  
April [4], 2016

SO ORDERED



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PAUL A. CROTTY  
United States District Judge