

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADVANCED WATER TECHNOLOGIES, INC., :
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Plaintiff, :
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-v- :
:
AMIAD U.S.A., INC., :
:
Defendant. :
:
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18-cv-5473 (LJL)
ORDER

LEWIS J. LIMAN, United States District Judge:

The Court has the motion of Plaintiff Advanced Water Technologies, Inc. (“AWT” or “Plaintiff”) for an order compelling production of documents from Defendant Amiad U.S.A., Inc. (“Amiad” or “Defendant”) in response to Plaintiff’s First Request for Documents. Dkt. No. 78. AWT complains that Amiad improperly circumscribed its search for responsive documents to two time periods:

- March 1, 2004 to March 1, 2006 (one year before and one year after the execution of the 2005 agreement at issue in this case)
- January 1, 2015 to present (one year before the 2016 attempt to renegotiate the 2005 agreement).

AWT also contends that Amiad improperly redacted documents on grounds other than attorney-client privilege or attorney work product and seeks leave to serve an interrogatory on Amiad for its search terms—much as Amiad was given leave to serve such an interrogatory on AWT. Dkt. No. 74.

The following is HEREBY ORDERED:


1. Amiad shall unredact the documents improperly redacted on the basis of confidentiality. To the extent that Amiad complains that the production of the unredacted documents would give rise to competitive harm, Amiad may designate such documents as Confidential or, if appropriate, as Highly Confidential, pursuant to the terms of the recently-negotiated Protective Order. *See* Dkt. No. 80 (Protective Order).
2. AWT may serve an interrogatory on Amiad seeking search terms. The interrogatory shall take the same form as the one that Amiad served on AWT. *See* Dkt. No. 74. As did Amiad, AWT shall obtain the Court’s approval of the proposed interrogatory by filing it on ECF prior to serving it on Amiad. Amiad shall answer the interrogatory within 5 business days of it being served.

3. AWT's submission does not provide sufficient information for the Court to determine whether the time periods for review should be expanded for certain requests. The Court notes that some requests are clearly limited in time. *See, e.g.*, Dkt. No. 78-1 (Requests Nos. 7, 8, 9, 16, 30). If, following Amiad's service of a response to the interrogatory and the parties' attempt to meet and confer, there remains a dispute regarding the scope of Amiad's search for responsive documents, AWT may file a letter with the Court on ECF, no more than 3 pages, identifying with specificity the particular Request(s) as to which it claims Amiad's search was insufficient and the basis for its claim that the search was insufficient.

The Clerk of Court is respectfully directed to close Dkt. No. 78.

SO ORDERED.

Dated: June 27, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge