

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

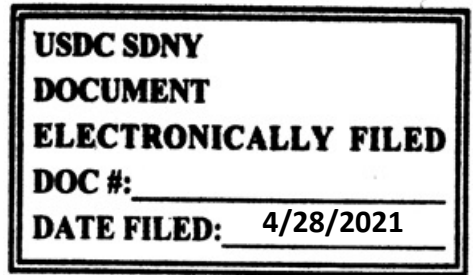
SPECTRUM DYNAMICS MEDICAL  
LIMITED,

Plaintiff,

-against-

GENERAL ELECTRIC COMPANY et al.,

Defendants.



**DISCOVERY ORDER**

**18-CV-11386 (VSB) (KHP)**

**KATHARINE H. PARKER, United States Magistrate Judge**

Defendants General Electric Co. et al. contend that Plaintiff Spectrum Dynamics Medical Ltd. failed to properly review its production for relevance and requests an order requiring Plaintiff to re-review and re-produce its documents. Defendants first raised this issue in a case management conference. In response, the Court requested information from Plaintiff as to its document review process. Plaintiff properly complied with this request. Unhappy with Plaintiff's response, Defendants filed a Rule 37 motion to compel Plaintiff "to properly review, designate, and produce relevant documents, and for costs, including attorneys' fees incurred in reviewing Plaintiff's productions and bringing the motion." (ECF No. 237.)

That motion led to a Rule 37 counter-motion by Plaintiff to compel Defendants to disclose certain information about its method of reviewing Plaintiff's document production to reveal the basis for their accusation that Plaintiff's production was improper. (ECF No. 251.)

This Court requires a pre-motion conference before the filing of any motion. Both motions were filed in contravention of this Court's Individual Practices. To minimize unnecessary motion practice, and thereby reduce costs and expedite discovery, this Court

endeavors to address discovery issues through regularly scheduled case management conferences. The parties are reminded that Rule 1 of the Federal Rules of Civil Procedure requires that parties construe and employ the Rules of Civil Procedure to secure the just, speedy, and inexpensive determination of every action and proceeding. The rules were amended in 2015 to emphasize that lawyers and parties must cooperate to achieve the goals of the Rule. Fed. R. Civ. P. 1 committee notes to 2015 amendment. Over-use, misuse, and abuse of procedural tools such as Rule 37 motions to compel are contrary to Rule 1.

Additionally, with respect to Defendants' motion, the Court is satisfied based on Plaintiff's filing at ECF No. 233, that Plaintiff reasonably complied with its obligations to review and produce documents responsive to Defendants' requests. With respect to Plaintiff's motion, it is improper for two reasons, that it seeks discovery on discovery and was made prior to seeking the requested information pursuant to a document request.

#### **CONCLUSION**

Vigorous advocacy is not measured by the number of motions a party files. The motions at ECF Nos. 237 and 251 are hereby DENIED.

**SO ORDERED.**

Dated: April 28, 2021  
New York, New York



---

KATHARINE H. PARKER  
United States Magistrate Judge