

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Viva Healthcare Packaging Ltd., Viva
Healthcare Packaging (HK) Ltd., and Viva
Healthcare Packaging (USA) Inc.,

Plaintiffs,

v.

CTL Packaging USA, Inc. and Tuboplast
Hispania,

Defendants.

CTL Packaging USA, Inc.,

Counterclaim Plaintiff,

v.

Viva Healthcare Packaging Ltd., Viva
Healthcare Packaging (HK) Ltd., and Viva
Healthcare Packaging (USA) Inc.,

Counterclaim Defendants.

3:13-cv-569-MOC-DSC

ORDER

THIS MATTER is before the Court on Defendants’ “Motion to Compel” (document #113) and “Motion for a Hearing ...” (document #131), as well as the parties’ associated briefs and exhibits.

Defendants seek an order compelling Plaintiffs (1) to produce documents under their control and in the possession of Zestron Research Pty Ltd. (“Zestron”) and (2) to designate an individual who will testify concerning information and documents in Zestron’s possession pursuant to Fed. R. Civ. P. 30(b)(6) and the Notice of Deposition served upon Plaintiffs. The parties disagree as to whether Defendants may seek production from Plaintiffs or directly from Zestron through


the Hague Convention. There is no dispute that the documents and testimony at issue are discoverable. For the reasons stated in Defendants' briefs, their Motion to Compel (document #113) is **GRANTED**.

Within thirty days of this Order, Plaintiffs shall produce all such responsive documents in their control and in Zestron's possession, and designate an individual to be deposed.

Defendants' "Motion for a Hearing ..." (document #131) is **DENIED AS MOOT**.

The Clerk is directed to send copies of this Order to counsel of the parties and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.



David S. Cayer
United States Magistrate Judge

