

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:16-CV-00230-FDW-DSC**

CONTROLS SOUTHEAST, INC.,

Plaintiff,

v.

**QMAX INDUSTRIES, INC., THOMAS W.
PERRY, PETER E. KOBYLARZ, JR., and
HENRY P. GAINES, JR.,**

Defendants.

ORDER

THIS MATTER is before the Court on “Defendants’ Motion to Compel and for Protective Order” (document #36) and “Plaintiff’s ... Motion to Compel” (document #39).

The Court has carefully reviewed the record, the authorities, and the parties’ briefs and submissions.

For the reasons stated in Defendants’ briefs, their Motion to Compel and for Protective Order (document #36) is granted. On or before April 21, 2017, Plaintiff shall fully and completely supplement its responses to Defendants’ First Request for Production of Documents. Plaintiff shall organize and label the documents it has produced or produce them to correspond with the categories in Defendants’ requests. Plaintiff shall further re-designate the documents it produced on January 24, 2017 in accordance with the Stipulated Protective Order, certifying in a sworn discovery response that it has marked as “Highly Confidential/Trade Secret” only those documents warranting such protection under the Stipulated Protective Order. Plaintiff may not depose Thomas W. Perry before May 15, 2017.

For the reasons stated in Plaintiff’s briefs, its Motion to Compel (document #39) is granted in part. On or before May 12, 2017, Defendants shall fully and completely respond to Plaintiff’s


Request for Production No. 3 and Interrogatory No. 3 concerning the QFin product as well as to Plaintiff's Interrogatory No. 6.

The parties shall bear their own costs at this time.

The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: March 30, 2017

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

