

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-CV-00471-FDW-DLH**

**SERUM SOURCE INTERNATIONAL,** )  
**INC.,** )  
) )  
**Plaintiff,** )  
) )  
**vs.** )  
) )  
**GE HEALTHCARE BIO-SCIENCES** )  
**CORP.,** )  
) )  
**Defendant.** )  
) )

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**ORDER**


**THIS MATTER** is before the Court on Defendant’s Objection to the Magistrate Judge’s March 8, 2017 Decision granting Plaintiff’s Motion to Compel in part (Doc. No. 47), Defendant’s Objection to the Magistrate Judge’s March 10, 2017 Decision ordering Defendant submit an allegedly privileged internal report for in camera review (Doc. No. 48), and Defendant’s Consent Motion to Stay Discovery (Doc. No. 49). In short, Defendant contends the Magistrate’s March 8, 2017 Decision (Doc. No. 39) fails to consider cost proportionality or the relevancy of Plaintiff’s discovery requests, and the Magistrate’s March 10, 2017 Decision (Doc. No. 42) was unsupported by any factual or legal basis that allowed the Court to order in camera review.

After hearing the parties arguments at a March 21, 2017, teleconference with the Court, and for the reasons set forth at the teleconference and contained within the Magistrate’s Orders, the Court **DENIES** Defendant’s Motion to Stay (Doc. No. 49), **OVERRULES** Defendant’s objections in part and **SUSTAINS** in part, and **AFFIRMS** the Magistrate’s Orders in part and **MODIFIES** in part. The parties are hereby **ORDERED** to comply with the Magistrate’s March 8, 2017, and March 10, 2017 Decisions with the following modifications:

1. E-Discovery shall be limited to documentation within the United States only; however, the Court may revisit international discovery at the parties' request;
2. All Discovery, including the E-Discovery at issue, is to be completed on or before April 6, 2017;
3. Defendant shall spend up to and including two million dollars to comply with this Court's Order, the Magistrate Judge's Orders (Docs. Nos. 39, 42), and this Court's Case Management Order (Doc. No. 18); and the parties shall notify the Court if additional discovery is necessary after the two million dollar figure is reached;
4. Defendant shall produce the "FDA Recall Report" for Plaintiff by 5:00 p.m. on March 22, 2017;
5. Defendant's Counsel, Mr. Jon Berkelhammer, shall personally deliver the allegedly privileged report directly to Chief Judge Frank D. Whitney at 2:00 p.m. at the Charles R. Jonas Federal Building, 401 W. Trade St., Suite 195, Charlotte, North Carolina 28202; and
6. The parties shall conduct mediation on or before May 4, 2017; however, the Court encourages an earlier mediation if possible.

SO ORDERED.

Signed: March 22, 2017

  
Frank D. Whitney  
Chief United States District Judge 