

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-00273-RJC-DSC**

CS TECHNOLOGY INC. et. al.,)
)
)
Plaintiffs,)
)
v.)
)
HORIZON RIVER TECHNOLOGIES LLC,)
)
Defendant.)

THIS MATTER is before the Court on “Defendant’s Renewed Motion to Compel” (document # 146) and “Motion to Compel Discovery from Third-Parties” (document #146).

In its Renewed Motion to Compel, Defendant again seeks Plaintiffs’ billing and timekeeping records related to projects for Bank of America and JP Morgan Chase Bank. (Second Requests for Production Nos 1-10). This information is relevant to Defendant’s RICO Counterclaim.

The Court previously ordered that “[Defendant’s initial] Motion [to Compel] is **DENIED WITHOUT PREJUDICE** as to billing and timekeeping records related to projects for Bank of America and JP Morgan Chase Bank (Second Requests for Production Nos 1-10). The Motion may be renewed following denial of any motion to dismiss Defendant’s RICO claim.” “Order” (document #97). The undersigned has recommended that Plaintiffs’ Motion to Dismiss the RICO Counterclaim be denied. See “Memorandum and Recommendation” (document #132). The Memorandum and Recommendation is pending before the presiding District Judge. To promote

judicial efficiency and economy, Defendant's Renewed Motion to Compel will be granted in part as ordered below.

In its Motion to Compel Discovery from Third-Parties, Defendant seeks to compel responses to four third-party Subpoenas. The Court previously denied Plaintiffs' Motion to Quash those Subpoenas. See "Order" (document #133). That Order has not been appealed. Defendant has withdrawn its Motion as to two third-parties who complied with the Subpoenas. See Document #147. The other third-parties have not responded to the Motion. For those reasons, Defendant's Motion to Compel Discovery from Third-Parties Advantage 1 Solutions and Maintech Inc. is granted.

NOW THEREFORE IT IS HEREBY ORDERED that:


1. "Defendant's Renewed Motion to Compel" (document # 145) is **GRANTED IN PART**, that is, within fifteen days of a denial of Plaintiffs' Motion to Dismiss the RICO Counterclaim (document #102), Plaintiffs shall fully respond to Defendant's Second Requests for Production.

2. Defendant's "Motion to Compel Discovery from Third-Parties" (document #146) is **GRANTED** as to Advantage 1 Solutions and Maintech Inc. They shall fully respond to the Subpoenas within fifteen days of this Order.

3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel, and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: January 24, 2020



David S. Cayer
United States Magistrate Judge

