

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Retail Service Systems, Inc., :
 :
Plaintiff : Civil Action 2:13-cv-00994
 :
v. : Judge Smith
 :
Carolina Bedding Direct, LLC, *et al.*, : Magistrate Judge Abel
 :
Defendants :

Discovery Dispute Conference Order

On March 18, 2014, counsel for the parties participated in a telephone discovery dispute conference with the Magistrate Judge.

Plaintiff's March 17, 2014 motion compel. Defendants' counsel requested additional time to respond to the motion. Their brief responding to the motion must be filed on or before **March 28, 2014**.

Defendants' counsel's March 18, 2014 letter to the Magistrate Judge. If not resolved by negotiations, defendants should file a motion to compel addressing the issues raised in the letter no later than March 28.

Plaintiff's noticed Rule 30(b)(6) deposition of defendants. Late last week, plaintiff's counsel noticed defendant Carolina Bedding (NC)'s deposition for March 19. Although the Rule 30(b)(6) deponent had prepared for the deposition and purchased an airline ticket, those plans were canceled when plaintiff's counsel indicated that the deposition would not be completed on the nineteenth because document production was

incomplete. It is ORDERED that counsel reschedule the deposition for a mutually convenient time and that defendant provide plaintiff's counsel with the documents defendant's Rule 30(b)(6) deponent(s) has or will review to prepare for and/or use during the deposition 5 business days before the deposition. If plaintiff does not complete the Rule 30(b)(6) deposition the day it is held, any continuation of the deposition should be in the county where the Rule 30(b)(6) deponent resides or works.

Additional observations. Defendant Carolina Bedding (NC) had identified documents regarding its dealers (characterized as customers) and their sales as highly confidential—attorneys' eyes only. Defendant did not want to disclose those documents unless plaintiff's counsel gave assurances that they were not shareholders in RSS. During the conference, plaintiff's counsel said that such assurances were not required because they are officers of the court and would not violate the protective order. While I accept that representation, I understand why defendant might be concerned about sensitive commercial information residing in the mind of an attorney-shareholder, so I asked the question directly. Plaintiff's counsel responded that they held no stock in RSS. Consequently, I believe the documents should be produced, subject to the protective order.

Defendants also want RSS to identify its trade secrets before the hearing on the motion for default judgment. During the discussion of the matter, plaintiff's counsel said that the materials identified in paragraph numbered 6 on page 3 of plaintiff's counsel's March 18, 2014 letter to me identified the trade secrets. If there are any other business plans, marketing plans, training materials, scripts, or the like containing the alleg-

edly misappropriated trade secrets, plaintiff's counsel should promptly disclose them
defendants' counsel.

Defendants' counsel also sought plaintiff's damages methodology. They are en-
titled to that information.

s/Mark R. Abel
United States Magistrate Judge