

the case is from New York, not Virginia and this Court has held that Virginia law governs this case.

Defendants do cite a Virginia case, Lunt v. Prince George Cemetery Corp., 87 Va. Cir. 369 (2014), but in that case the court held that “evidence of the Defendant’s net worth is relevant, but not discoverable, based on the allegations and Plaintiff’s request for punitive damages. This Court rules that evidence of net worth is a mitigating factor to a punitive damages claim, and it is the Defendant’s burden to proffer this evidence.” Id. at *2. Thus, the only reason the court did not order the defendant to produce this information was because it was the defendant’s burden to proffer it. Moreover, Plaintiffs are not so much seeking to discover Defendants’ net worth as they are pursuing evidence that Defendants had a motive for selling the product despite warnings that it was deadly, namely the profits they received from selling it.

AND NOW, this 28th day of October, 2015,

IT IS HEREBY ORDERED that the motion for protective order filed by Defendant Wal-Mart Stores, Inc. (ECF No. 69) is denied.

IT IS FURTHER ORDERED that the motion for protective order filed by Defendants Garan Services Corp. and Garan, Inc. (ECF No. 75) is denied.

s/Robert C. Mitchell
ROBERT C. MITCHELL
United States Magistrate Judge