

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Jason Mulligan,	)	C/A No.: 3:12-cv-02899-JFA
Plaintiff,	)	
v.	)	
Brushy Mountain Bee Farm, Inc.; and Dadant & Sons, Inc.,	)	<b>ORDER</b>
Defendants.	)	

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The court has been informed by the attorneys for the parties that certain documents sought in the above litigation cannot be located, do not exist, or have been destroyed. The documents sought to be discovered are outlined in Plaintiff's second discovery requests (ECF No. 59-1), and the court will not repeat the requests for production here.

Defendant Dadadant & Sons, Inc. has responded by indicating that no responsive documents exist, except for some patent paperwork in the public domain and already produced.

The attorneys for the party seeking the discovery have made a showing that there is a possibility that such documents do exist, or have existed in the past, or that a reasonable person would conclude that such documents do exist.

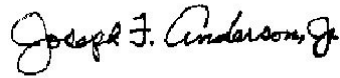
Now, therefore, it is Ordered, Adjudged and Decreed that the Chief Executive Officer, President, or person in charge of the affairs of Dadant & Sons, Inc., direct that a diligent search be made of the company's records and certify to the court by affidavit that such search has been conducted and that the documents are unable to be located, have been destroyed, or never existed. Said affidavit will be under oath and under penalty of perjury and contempt for filing a false document with a United States District Court, and should be submitted within 21 days of the date of this order.

The affidavit certifying, under penalty of perjury and contempt, that such search has been conducted should state as follows:

I, \_\_\_\_\_, CEO [or other person in charge] of Dadant & Sons, Inc., having been fully advised of the penalties for contempt of court and/or making a false statement to a United States District Court (including but not limited to, a maximum penalty of six months incarceration in a federal penal facility), hereby certify that \_\_\_\_\_ has/have made a complete search of all corporate records and that we [are] [are not] able to locate the following documents requested in the underlying litigation. [Account for each document requested in ECF No. 59-1]. I hereby submit this information with the full knowledge that it is material to the underlying civil action and with the further knowledge that this Affidavit is submitted under penalty of perjury for obstruction of justice and submitting a false statement to a United States District Court.

IT IS SO ORDERED.

February 28, 2014  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge