

United States District Court
Southern District of Texas

ENTERED

April 19, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE APPLICATION OF	§	
INVISTA TECHNOLOGIES S.A.R.L.,	§	
	§	
<i>Petitioner,</i>	§	
	§	
v.	§	MISCELLANEOUS ACTION H-17-110
	§	
M&G POLYMERS USA, LLC, <i>et al.</i> ,	§	
	§	
<i>Respondents.</i>	§	

ORDER

Pending before this court is a petition and application for an order under 28 U.S.C. § 1782 to permit petitioner to obtain discovery from M&G Polymers USA, LLC, M&G Resins USA, LLC, M&G USA Corporation and Frederick J. Fournier (“Respondents”). Dkt. 1. The court held an initial hearing on the application on February 16, 2017, during which it ordered the parties to attempt to agree on the scope of discovery and a confidentiality agreement. Dkt. 22. The court held a second hearing at the request of the petitioner INVISTA Technologies, S.a.r.l. (“INVISTA”) on April 17, 2017. The court has considered the parties’ briefing, arguments made during both hearings, and the applicable law, including a thorough consideration of the factors listed in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264, 124 S. Ct. 2466 (2004).

As stated on the record during the second hearing, INVISTA’s application to permit discovery is GRANTED IN PART. Respondents must provide the requested discovery in the scope agreed upon by the parties,¹ but they may redact information as stated on the record that may be

¹ Respondents noted in a letter to the court that they “stand ready and willing to produce responsive, non-privileged documents.” Dkt. 29. INVISTA notes that “M&G agrees that the terms and the results are reasonable.” Dkt. 30.

subject to a secrecy order currently being considered by the Italian court in which the underlying case is pending. If the Italian court denies the motion for a secrecy order or enters a less restrictive secrecy order than requested, Respondents are ORDERED to lift any redactions that are not in conformance with the level of secrecy approved by the Italian court and re-produce these documents. Respondents are ORDERED to re-produce any affected documents within ten (10) days of the date the Italian court enters its order on the motion for a secrecy order.

Respondents' request for reciprocal discovery is DENIED.

Signed at Houston, Texas on April 19, 2017.



Gray H. Miller
United States District Judge