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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and  
MEDIUSTECH, LLC

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

CASE NO. C11-5503 BHS

ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT’S  
MOTION FOR PROTECTIVE  
ORDER

This matter comes before the Court on Defendant Ford Motor Company’s (“Ford”) motion for protective order (Dkt. 226). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants in part and denies in part the motion for the reasons stated herein.

**I. PROCEDURAL HISTORY**

On September 13, 2013, Plaintiffs requested a deposition date for Ford Executive Vice President of Global Marketing, Sales and Service, James Farley. Although Ford produced some of Mr. Farley’s emails and other responsive documents, Ford declined to produce Mr. Farley for a deposition. On February 14, 2014, Ford filed the instant motion seeking a protective order

1 preventing Plaintiffs from taking Mr. Farley's deposition. Dkt. 226. On February 26, 2014,  
2 Plaintiffs responded. Dkt. 236. On February 28, 2014, Ford replied. Dkt. 241.

## 3 II. DISCUSSION

4 Ford argues that Mr. Farley is an "apex" official and, as such, Plaintiffs have failed to  
5 show that Mr. Farley has unique personal knowledge of this case and that Plaintiffs can obtain  
6 their desired information through a less intrusive and burdensome means than a deposition.  
7 Even if the Court considered Mr. Farley to be an "apex" official, Plaintiffs have shown a need  
8 for his deposition. Mr. Farley's numerous public and private statements regarding the selling  
9 power of Ford's SYNC system show that Mr. Farley has relevant information regarding  
10 Plaintiffs' damages. *See* Dkt. 236 at 11–14. Moreover, the Court finds that a short deposition  
11 would not unduly burden Mr. Farley, especially considering the fact that Plaintiffs are seeking a  
12 permanent injunction against Ford's sale of the current SYNC system, which Mr. Farley has  
13 described as a "difference maker" for Ford's sales. The Court, however, will limit the deposition  
14 to half a day, or three and a half hours, because, although relevant, the information Plaintiffs seek  
15 appears to be limited only to the issue of damages. Therefore, the Court denies Ford's motion  
16 for a protective order.

## 17 III. ORDER

18 Therefore, it is hereby **ORDERED** that Ford's motion for a protective order (Dkt. 226) is  
19 **GRANTED in part** and **DENIED in part**.

20 Dated this 18<sup>th</sup> day of March, 2014.

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BENJAMIN H. SETTLE  
United States District Judge