

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MOTION HEARING

Alexander M. Shukh,

Plaintiff,

v.

Seagate Technology, LLC, a Delaware Limited Liability Company; Seagate Technology, Inc., a Delaware corporation; Seagate Technology, a holding company of the Cayman Islands; and Unknown Owners and Assignees;

Defendants.

COURT MINUTES

BEFORE: Jeffrey J. Keyes
U.S. Magistrate Judge

Case No: 10cv404 (JRT/JJK)
Date: December 15, 2011
Location: Courtroom 6A, St. Paul, MN
Court Reporter: Jayne Seward, 612-339-0545
Sealed: No
Time Commenced: 2:30 p.m.
Time Concluded: 2:59 p.m.
Time in Court: 29 Minutes

APPEARANCES:

For Plaintiff: Katherine M. Vander Pol, Esq., Nichols Kaster, PLLP; and Constantine John Gekas, Esq., Gekas Law, LLP

For Defendants: Chad Drown, Esq., and Elizabeth Cowan Wright, Esq., Faegre & Benson LLP

Interpreter / Language: n/a

Hearing on: Plaintiff's Motion for Leave to File Second Amended Complaint Under Seal (Doc. No. 243).

IF MOTION IS RULED ON PLEASE INCLUDE DOCUMENT NUMBER AND TITLE APPEARING IN CM/ECF:

Plaintiff's Motion for Leave to File Second Amended Complaint Under Seal (Doc. No. 243), is **GRANTED IN PART** and **DENIED IN PART**. On December 30, 2011, Plaintiff may file an Amended Complaint that adds Seagate Technology, PLC, as a Defendant successor in interest, that adds a request for punitive damages for the Title VII claim, that moves those inventions previously referenced by application that have now issued as patents to the issued patent portion of the Complaint and Claim Two, and that eliminates allegations that have been disposed of. This Amended Complaint shall not reference, quote from, or rely on Seagate's documents that have been returned to Seagate and that Seagate still asserts privilege over (i.e., that Seagate still asserted privilege over at the time Plaintiff filed his motion). Plaintiff's request to allege punitive damages for his state law Minnesota Human Rights Act claim is denied. Plaintiff has failed to comply with Minn. Stat. §§ 549.191, 549.20, subd. 1(a), and has not made a prima facie showing of clear and convincing evidence of deliberate disregard for the rights or safety of others with regard to that claim. *See Maroko v. Werner Enterprises, Inc.*, Civ. No. 10-63, Doc. No. 47 (D. Minn. Jan. 24, 2011).

Text only order needed.

ORDER TO BE SUBMITTED BY: COURT PLAINTIFF DEFENDANT

Motions taken under advisement as of: n/a

ORDER TO BE ISSUED NO ORDER TO BE ISSUED R&R TO BE ISSUED NO R&R TO BE ISSUED

Exhibits retained by the Court Exhibits returned to counsel

s/ Danielle M. Mair
Signature of Law Clerk