

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DRONE TECHNOLOGIES, INC.,
Plaintiff,

14cv0111

v.

ELECTRONICALLY FILED

PARROT S.A., PARROT, INC.,
Defendants.

**ORDER OF COURT GRANTING PLAINTIFF'S MOTION TO COMPEL DAMAGES
DISCOVERY (DOC. NO. 138)**

Presently before this Court is Plaintiff's Motion to Compel Damages Discovery. Doc. No. 138. The Court has reviewed said Motion, Defendant's Response in Opposition thereto (Doc. No. 142), and Plaintiff's Reply Brief (Doc. No. 144). Plaintiff's Motion to Compel will be granted.

Defendants continue their litigation practice of extremes: (1) by refusing to produce any damage documents or information as to their Bebop and MiniDrone models, arguing yet again, that said models are irrelevant to this litigation, despite numerous rulings by this Court to the contrary; and (2) as to other models, by producing approximately 14 million pages of documents and information, and then refusing to identify which documents and information are responsive to Plaintiff's request for damage documents and information (the classic "go fish" litigation tactic). Defendants' actions impede Plaintiff from preparing for the upcoming damages trial, scheduled for April 27, 2015. Doc. No. 127.

Therefore, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Motion to Compel Damages Discovery (Doc. No. 138) is **GRANTED**;
2. Defendants shall produce all documents and information requested in Plaintiff's Requests Nos. 12-14 and 18-37, on or before December 29, 2014, to the office of Plaintiff's Counsel, in Pittsburgh, Pennsylvania. All documents and information withheld based on

an assertion of attorney-client privilege or attorney work-product shall be logged in accordance with the requirements of Rule 26(b)(5)(A)(ii) of the Federal Rules of Civil Procedure;

3. This production shall include all documents and information relating to Defendants' Bebop and MiniDrone models, since the Court has ruled that these models are included in the default judgment entered against Defendants as to liability on November 3, 2014;
4. Defendants' objections to Plaintiff's First Set of Requests for Production were waived as not being timely served under Rule 34(b)(2) of the Federal Rules of Civil Procedure, and to the extent they were not waived, said objections are overruled by this Court;
5. On or before December 29, 2014, Ms. Wittkotter, or an officer or director of Defendants, shall file a written confirmation, under oath and under penalty of perjury, that Defendants have produced all documents and information in full compliance with this Order, and that no documents or information have been withheld, including any documents or information previously withheld based upon the objections that Defendants untimely served on July 7, 2014.¹

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

¹ In light of Defendants' continual and deliberative failure to comply with past Orders of this Court, and false statements that Defendants are in compliance with this Court's prior Orders (ex. Doc. No. 142, 6: "Parrot has, and will continue, to comply with its obligations under the Federal and Local Rules, and the Court's outstanding orders" - - see Fed.R.Civ.P. 11(b)), the Court will defer ruling on Defendants' Motion to Compel (Doc. No. 139), until Defendants are in full compliance with this Order of Court.