

ORAL ORDER: The Court, having reviewed Defendant Kurin, Inc.'s ("Kurin") motion regarding a discovery dispute ("Motion"), (D.I. 178), in which Kurin requests an accommodation to the case schedule to account for Plaintiff Magnolia Medical Technologies, Inc.'s ("Magnolia") late production of post-complaint documents, (D.I. 177 at 2), the letter briefing related thereto, (D.I. 177; D.I. 187), and having heard oral argument on October 5, 2020, ORDERS that Defendant's Motion is GRANTED. The Court finds good cause to amend the Scheduling Order, pursuant to Federal Rule of Civil Procedure 16(b)(4), to be established as follows: (1) Although the parties' deadline for substantial completion of document production was May 15, 2020 (extended from April 15, 2020), (D.I. 69), Magnolia has produced nearly one-third of its total document production (approximately 57,000 documents) in the past month (a time during which fact discovery was set to close and the expert discovery process to get underway). (D.I. 177 at 2; D.I. 187 at 2); (2) Magnolia's late production flows from an interpretation of the Scheduling Order that, in the Court's view, was not a reasonable one, and thus it amounts to a clear discovery violation. (D.I. 177 at 1; see also D.I. 24, ex. B at para. (1)(d)(ii) & (3)(b)); (3) Kurin is entitled to a reasonable window of time to digest Magnolia's substantial recent production prior to taking its fact depositions and serving opening expert reports. Currently, however, there remain many depositions to be taken, followed by the expert discovery process and the preparation and service of expert reports, all currently scheduled to be completed by December 18, 2020 (with opening summary judgment and Daubert briefs to be filed on February 5, 2021 and trial scheduled to begin on July 12, 2021). (See D.I. 177 at 3) While Magnolia proposes an extension of the fact discovery deadline and the deadlines for expert reports, leaving the remainder of the current case schedule intact, (D.I. 187 at 3), going Magnolia's way here would necessarily require compressing the case schedule in a manner that would prejudice Kurin for a mistake that was not Kurin's fault.; (4) Therefore, the parties shall meet and confer regarding extension of the remaining case deadlines and events and submit a joint proposed amended scheduling order by no later than October 9, 2020 that: (a) schedules summary judgment and Daubert briefs to be filed on April 30, 2021; (b) schedules the pretrial conference for September 23, 2021 at 4:00 p.m.; (c) schedules the jury trial for October 4, 2021; and (d) fills in the remainder of the case deadlines accordingly. Expert report deadlines should all be uniform between the parties. Ordered by Judge Christopher J. Burke on 10/6/2020. (dlb) Modified on 10/6/2020 (dlb). (Entered: 10/06/2020)

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