
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3 LLC, INTERNATIONAL
AUTOMATED SYSTEMS, INC., et al.,

Defendants.

ORDER REGARDING PENDING MOTIONS
AND PROTECTIVE ORDER

Case No. 2:15-cv-828 DN

District Judge David Nuffer

Magistrate Judge Brooke Wells

Earlier this year the court heard argument on Plaintiff's Motion for Relief from the Standard Protective Order.¹ Following additional time for the parties to submit case law that supported their respective positions the court entered an order granting the requested relief. The court suspended application of Local Rule 26-2(a) to this case and stayed the matter for forty-five days for the parties to negotiate a new protective order.² Following an additional extension of time and extensive negotiations by the parties, the parties were unable to come to an agreement. The parties then filed their respective proposed protective orders with the court.³

The proposed protective orders are similar but do differ in some respects. For example, Defendants proposed protective order includes a section on "Disclosure Agreements,"⁴ an additional requirement of 14 days' notice to the producing party of protected information so they may file an objection if necessary,⁵ and some differences in how information is handled at the

¹ Docket no. 72.

² [Docket no. 92](#).

³ [Docket no. 106](#) and 110.

⁴ [Docket no. 110](#), p. 3.

⁵ *See id.* at p. 7.

conclusion of this case.⁶ After considering these proposed orders the court adopts the proposal set forth by the Government because the court finds it adequately protects the interests of the parties while balancing those principles set forth in the court's prior order including the Government's need to comply with statutory obligations.⁷ Accordingly, the court will enter Plaintiff's proposed protective order.

Before doing so, however, the court notes that following oral argument on the motion for relief from the standard protective order the court left open the other motions reasoning that it was first necessary to resolve this dispute because it would impact the other motions. Having now resolved the protective order issue, the court will deny the other motions without prejudice. The parties may refile any necessary motions in light of the new protective order, which will add some needed certainty to the production of information. The court urges the parties to use their best efforts to cooperate with each other in order to minimize both the cost and burden placed upon the parties and the court. To date, there appears to be many motions, such as Plaintiff's multiple motions to compel individuals to sign and supplement responses to interrogatories, which should be easily resolved by the parties without court intervention.

Next, the court is persuaded that a certain amount of time is necessary for Defendants to respond to Plaintiff's discovery requests. Accordingly, the court will give Defendants forty-five (45) days from the date of this order to comply with their discovery obligations now that there is certainty with the protective order provisions.

Finally, the undersigned will enter the short form discovery motion procedure as will be set forth in a forthcoming docket text order. The undersigned believes that will help streamline the motion practice in this case.

⁶ See *id.* at p. 15-16.

⁷ See memorandum decision and order granting motion for relief from standard protective order.

ORDER

In accordance with the foregoing,

Plaintiff's Motion to Compel LTB1 to Sign and Supplement Responses to First Interrogatories is DENIED WITHOUT PREJUDICE.⁸

Plaintiff's Motion to Compel IAS to Sign and Supplement Responses to First Interrogatories is DENIED WITHOUT PREJUDICE.⁹

Plaintiff's Motion to Compel Neldon Johnson to Sign and Supplement Responses to First Interrogatories is DENIED WITHOUT PREJUDICE.¹⁰

Plaintiff's Amended Motion to Compel RaPower-3 to Respond to First Interrogatories is DENIED WITHOUT PREJUDICE.¹¹

Defendants' respective Motions to Quash Subpoenas are DENIED WITHOUT PREJUDICE.¹²

Plaintiff's Motion for Extension of Time is DENIED WITHOUT PREJUDICE¹³ and

Defendants' Joint Motion for Extension of Time is GRANTED IN PART to the extent that the court will allow additional time to respond to discovery and DEEMED MOOT as to the requests regarding the motions to quash and Plaintiff's motions to compel.¹⁴

IT IS SO ORDERED.

⁸ [Docket no. 55](#).

⁹ [Docket no. 56](#).

¹⁰ [Docket no. 57](#).

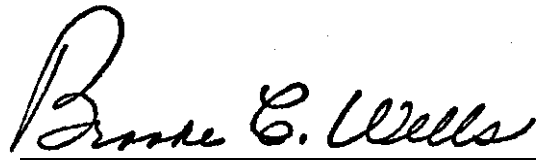
¹¹ [Docket no. 59](#).

¹² Docket nos. 62, 65, 70, 83, 84 and 87.

¹³ [Docket no. 111](#). Plaintiff seeks to move the deadline to amend and add parties but represents that the delay in receiving discovery has prevented it from doing so. Plaintiff may seek to renew this motion if needed now that discovery will be forthcoming.

¹⁴ [Docket no. 112](#).

DATED this 29 November 2016.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B' and a long horizontal stroke at the end.

Brooke C. Wells
United States Magistrate Judge