**ORDER**

Pending is **PLAINTIFF’S MOTION TO COMPEL**.

The court rules as follows as to the discovery requests at issue. Defendant shall organize and label its document production to correspond with the categories in the request for production served by Plaintiff. Parties shall Bates stamp exhibits.

To the extent objections are OVERRULED, Defendant is ORDERED to properly respond to the discovery request without court limitations unless otherwise stated in the Court Comments.

It is so ORDERED.

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| Plaintiff’s RFP 1 thru 9 |
| **REQUEST FOR PRODUCTION NO. 1: example – insert RFP at issue**  All communications related to D’s purchase of the Acme System. To the extent D did not purchase such equipment, all communications related to D’s acquisition of the Acme System.  **RESPONSE: example – insert response at issue**  D objects to this request as overbroad and unduly burdensome, and not reasonably tailored to the extent that it seeks all communications without limitations as to the scope of time and subject matter. D also objects to the request for communications related to its purchase of the Acme System. Such documents are irrelevant as D did not purchase the Acme System until 2020. D further objects to this Request to the extent it seeks information that is protected from discovery by any applicable privilege including but not limited to attorney-client, work product, medical committee, and peer review.  Subject to and without waiving its general and specific objections, Plaintiff is referred to the documents produced herein and bates labeled D-Acme 000850-851.  **COURT COMMENT**: **example – leave blank for court to fill in**  Overbroad/Burdensome – SUSTAINED.  Relevance – OVERRULED except as to post-surgical numbers which may be redacted.  Privilege – SUSTAINED.  Defendant shall answer as modified below:  All non-privileged communications created in the normal course of business related to D’s purchase, rental or the right to otherwise use the Acme System at the time of the surgery in question and thereafter.  To the extent D did not purchase the equipment, all non-privileged communications created in the normal course of business related to D’s acquisition of the Acme System used at the time of the surgery in question and thereafter.  This request includes contracts, invoices, payments, emails and letters created in the normal course of business. For example, emails discussing when and why D went from trials, to rental, to purchase of the equipment are potentially relevant to D’s reasons for continuing to use the equipment after recall based on profit motive though the specific numbers analysis may not be relevant. Plaintiff is allowed to discover these documents to determine if the profit motive theory has evidentiary support or otherwise determine D’s reasons for continuing to use the equipment after recall. |
| **REQUEST FOR PRODUCTION NO. 2:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 3:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 4:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 5:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 6:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 7:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 8:**  **RESPONSE:**  **COURT COMMENT:** |
| **REQUEST FOR PRODUCTION NO. 9:**  **RESPONSE:**  **COURT COMMENT:** |