

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ARP Wave, LLC, a Minnesota
Limited Liability Company,

Case No.: 18-cv-2046 (PJS/ECW)

Plaintiff,

v.

Garrett M. Salpeter, Neurological
Fitness Equipment and Education, LLC,
a Texas Limited Liability Company,
Neurological Fitness and Recovery
Facilities, LLC, a Texas Limited
Liability Company, ARPwave Austin, L
a Texas Limited Liability Company,
and John Does I-X,

ORDER

Defendants.

The Court held an IDR hearing on April 9, 2020. Based on the files, records, and proceedings herein, and for the reasons stated forth during the hearing, **IT IS**

ORDERED THAT:

1. Defendants' request that the Court compel Plaintiff to fully answer Interrogatory No. 21 is **GRANTED**. Plaintiff shall have until **April 23, 2020** to supplement its answer to Interrogatory No. 21 to identify all ARPwave commercial customers by name between 2010 through 2017 who did not provide daily reports. Plaintiff may mark its answer as confidential or attorneys' eyes only under the Protective Order (Dkt. 31), to the extent appropriate.

2. Defendants' request that the Court compel Plaintiff to directly answer Interrogatory No. 22 is **GRANTED**. Plaintiff shall have until **April 23, 2020** to supplement its answer to Interrogatory No. 22 to identify all persons or entities to which ARPwave leased any equipment or licensed any protocols that ARPwave knows or believes shared or used protocols on others without a confidentiality agreement. To the extent that the answer is none, as represented during the telephone hearing, then Plaintiff shall so answer.
3. Defendants' request that the Court compel Plaintiff to fully answer Interrogatory No. 23 is **DENIED**.
4. Defendants' request that the Court compel that the responding parties conduct proper searches and produce all responsive documents to RFP Nos. 40-42 to ARPWave and Nos. 10-12 to ARP Manufacturing, is **GRANTED only to the extent** that Plaintiff will make good faith attempts to arrange for securing identified boxes of documents located at the ARPwave facility in Centennial, Colorado to the extent it is reasonably possible to safely and legally do so in light of Colorado's stay-at-home Order as a result of the COVID-19 pandemic. The parties will meet with the Court for a telephone conference on **May 4, 2020 at 3:00 p.m.** for a follow-up on the status of Plaintiff's efforts.
5. Denis Thompson's deposition pursuant to this Court's March 10, 2020 Order shall take place on or before **May 31, 2020**. The deposition shall

take place remotely via videoconference in light of the COVID-19 pandemic. The parties shall provide the Court with several proposed dates and times for the deposition so that this Court is available to assist with any disputes that arise during the deposition.

6. Defendants' request for sanctions is **DENIED**.
7. Plaintiff's request (Dkt. 151) for permission to file a reply to its motion to compel (Dkt. 111) is **GRANTED**. Plaintiff shall serve and file a reply letter, not exceeding three pages, no later than **April 10, 2020**. Defendants may serve and file a responsive sur-reply letter, not exceeding three pages, no later than **April 13, 2020**.

Date: April 10, 2020

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge