

# In the United States Court of Federal Claims

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GEOSPATIAL TECHNOLOGY	)	
ASSOCIATES, LLC,	)	
	)	
Plaintiff,	)	No. 16-346C
	)	
v.	)	Filed Under Seal: April 30, 2020
	)	Reissued: May 7, 2020*
THE UNITED STATES,	)	
	)	
Defendant.	)	
_____	)	

## **ORDER ON THE GOVERNMENT’S MOTION TO STAY CERTAIN DISCOVERY**

On March 25, 2020, the Court held a telephonic discovery hearing in the above-captioned patent and copyright infringement matter, during which the Court set, among other things, the schedule for the government to provide supplemental responses to Geospatial Technology Associates, LLC’s (“GTA”) interrogatory nos. 16-24 and 25(a), dated December 3, 2019, and GTA’s first, second and third sets of requests for production of documents, dated August 22, 2016, October 3, 2017 and February 13, 2019, respectively. *See generally* Discovery and Scheduling Order, dated March 26, 2020. On April 21, 2020, the government filed a motion to stay the deadline to provide its supplemental discovery responses with regards to the following federal agencies: the Army Night Vision and Electronic Sensors Directorate (“NVESD”), the National Ground Intelligence Center (“NGIC”), the National Geospatial-Intelligence Agency (“NGA”), the Department of Energy (“DOE”) and the Los Alamos National Laboratories (“LANL”). *See generally* Def. Mot. On April 23, 2020, GTA filed a response and opposition to the government’s motion to stay. *See generally* Pl. Resp.

In its motion to stay, the government represents that the ongoing coronavirus pandemic has prevented NVESD, NGIC, NGA, DOE and LANL from conducting in-person searches for responsive information and documents. Def. Mot. at 3-5. The Court is certainly sympathetic to

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\* This Order was originally filed under seal on April 30, 2020 (ECF No. 165). The parties were given an opportunity to advise the Court of their views with respect to what information, if any, should be redacted from the Order. The parties filed a joint status report on May 6, 2020 (ECF No. 172) stating that no redactions are necessary. And so, the Court is reissuing its Order, dated April 30, 2020.

the challenges facing the government—and all parties to this matter—as a result of the ongoing pandemic. Nonetheless, the Court observes that the government agreed to the current schedule for supplementing its discovery responses during the telephonic discovery hearing held in this matter on March 25, 2020. *See* Discovery and Scheduling Order, dated March 26, 2020. The Court issued the resulting scheduling order after full consultation with the parties. *See* Hr’g Tr. at 57:2-61:24.

The government also does not explain why the required searches for responsive documents and information could not be performed electronically by the impacted federal agencies. *See generally* Def. Mot. Nor does the government address what efforts it has undertaken to date to search for information and documents that are responsive to GTA’s outstanding discovery requests at these agencies. *Id.* In this regard, the Court also observes that GTA served the document requests at issue on the government on August 22, 2016, October 3, 2017 and February 13, 2019, respectively.

Given these concerns, the government has not shown good cause to justify a stay of the deadlines for its supplemental responses to GTA’s discovery requests. And so, the Court must **DENY** the government’s motion to stay. It is further **ORDERED** that the government shall provide its supplemental responses to:

1. GTA’s interrogatory nos. 16-24 and 25(a) with regards to NVESD, NGIC, NGA, DOE and LANL on or before **May 14, 2020**; and
2. GTA’s first, second and third sets of requests for production of documents on or before **June 22, 2020**, consistent with the Court’s March 26, 2020 Discovery and Scheduling Order.

Some of the information contained in this Order may be considered privileged, confidential or sensitive personally-identifiable information that should be protected from disclosure. And so, this Order shall be **FILED UNDER SEAL**. The parties shall review the Order to determine whether, in their view, any information should be redacted prior to

publication. The parties shall also **FILE**, by **May 7, 2020**, a joint status report identifying the information, if any, that they contend should be redacted from this Order, together with an explanation of the basis for each proposed redaction.

**IT IS SO ORDERED.**

s/ Lydia Kay Griggsby  
LYDIA KAY GRIGGSBY  
Judge