

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

PROVISUR TECHNOLOGIES, INC.,

Plaintiff,

v.

WEBER, INC., TEXTOR, INC., WEBER
MASCHINENBAU GMBH BREIDENBACH,
WEBER MASCHINENBAU GMBH
NEUBRANDENBURG, and TEXTOR
MASCHINENBAU GMBH,

Defendants.

Civil Action No. 5:19-CV-06021;

Civil Action No. 5:20-CV-06069

Hon. Judge Stephen R. Bough

JURY TRIAL DEMANDED

**ORDER CONCERNING DEPOSITIONS OF FOREIGN CITIZENS RESIDENT IN THE
EUROPEAN UNION**

Plaintiff Provisur Technologies, Inc. (“Provisur”), and Defendants Weber, Inc., Textor, Inc., Weber Maschinenbau GmbH Breidenbach, Weber Maschinenbau GmbH Neubrandenburg, and Textor Maschinenbau GmbH (collectively, “Weber”), by and through their respective counsel, pursuant to Fed. R. Civ. Pr. Rule 29 have agreed to procedures concerning depositions of foreign citizens resident in the European Union in the above-captioned cases. For good cause shown, the Court hereby ORDERS as follows with respect to the captioned cases above:

I. Deponent Information

1. The parties agree that personally identifying information, including home addresses, home telephone numbers, business email addresses, and business phone numbers, of residents of the European Union, including in Germany, or any other European Union member state, who have been noticed for deposition or are designated as witnesses in response to the

Notices of Corporate Deposition in the captioned cases, will not be provided in view of the European General Data Privacy Regulation and any other applicable privacy law or regulation.

II. Translators

2. Defendants represent that certain deponents will need the assistance of translators during the deposition. In view of this, the deposing party will be required to provide the services of a qualified translator during the deposition. The defending party may choose to retain the services of a second qualified translator who will also be present during the deposition. All translators must be disclosed in compliance with the applicable Protective Order.

3. Pursuant to this Order, any deponent who testifies at a deposition or interview in German or another foreign language through a translator must also testify at trial in that same language through a translator.

III. Depositions of Foreign Citizens Resident in the European Union

4. Defendants represent that, in view of the ongoing COVID pandemic, they will not make certain witnesses available for deposition in the United States. In view of certain legal restrictions on the taking of depositions in European jurisdictions, the parties agree that foreign citizens resident in the European Union, including in Germany, or elsewhere in the European Union, who have been noticed for deposition or are designated as witnesses in response to the Notices of Corporate Deposition in the captioned cases may voluntarily sit for videotaped live interviews in Frankfurt am Main, Germany.

5. Prior to the interview, Plaintiff will arrange for a Notary Public to appear at the interview in Frankfurt am Main, Germany where the witness will be required to undertake an oath, attached as Exhibit A, attesting to the truth of the testimony they will provide at the interview. Confirmation of the oath will be marked as an exhibit to the interview. Plaintiff will be responsible for all fees associated with the Notary Public.

6. The interviews will be conducted under the Federal Rules of Civil Procedure and the Local Rules of the Western District of Missouri, including any objections based on privilege or other grounds made by counsel for either party during the interviews; however, the parties have agreed that each interview may last longer than seven (7) hours because of the use of translators, the designation of 30(b)(6) topics, and the notices of deposition in both above-captioned cases.

7. Pursuant to Fed. R. Civ. Pr. Rule 29(a)-(b), the interview transcript, video tape, testimony, and translations thereof, will be used as if it were sworn deposition testimony taken pursuant to Fed. R. Civ. Pr. Rule 30 and may be designated and offered for evidence in accordance with the Federal Rules of Civil Procedure, including Fed. R. Civ. Pr. Rule 32, the same as a deposition taken under oath in the United States.

8. For the avoidance of doubt, the parties stipulate and agree that the interview transcripts shall be understood as, and treated in the same way as, a “deposition” as that term is used in Fed. R. Civ. Pr. Rule 30. Further, neither party shall object to the use or treatment of the interviews as depositions under Fed. R. Civ. Pr. Rule 30 in the captioned cases.

IT IS SO ORDERED.

/s/ Stephen R. Bough
STEPHEN R. BOUGH
UNITED STATES DISTRICT JUDGE

Dated: December 13, 2021

EXHIBIT A

<p>I swear to tell the truth, the whole truth, and nothing but the truth, under penalty of perjury, in my forthcoming deposition in the proceedings Provisur Technologies, Inc., v. Weber, Inc., Textor, Inc., Weber Maschinenbau GmbH Breidenbach, Weber Maschinenbau GmbH Neubrandenburg and Textor Maschinenbau GmbH, which will take place today in Frankfurt am Main, Germany at [time] German Time.</p>	<p>Ich schwöre bei Strafe des Meineids, dass ich in meiner bevorstehenden Zeugenbefragung (Deposition) im Verfahren Provisur Technologies, Inc., gg. Weber, Inc., Textor, Inc., Weber Maschinenbau GmbH Breidenbach, Weber Maschinenbau GmbH Neubrandenburg, And Textor Maschinenbau GmbH die heute um [time] Uhr deutscher Zeit in Frankfurt am Main stattfinden wird, die Wahrheit sagen werden, die ganze Wahrheit und nichts als die Wahrheit.</p>
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