

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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KRAFT FOODS HOLDINGS, INC.,

Plaintiff,

v.

THE PROCTOR & GAMBLE COMPANY,

Defendant/Counterclaim Plaintiff,

v.

KRAFT FOODS HOLDINGS, INC.,

Counterclaim Defendant,

and

KRAFT FOODS GLOBAL, INC.,

Third-Party Defendant.

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ORDER

07-cv-613-bbc

On March 18, 2008, this court held a hearing on defendant's motion to compel discovery (dkt. 37) and the collateral motion to strike the reply brief (dkt. 46). Both sides were represented by counsel.

Having read the parties' submissions before the hearing, having entertained further argument and having had my questions answered, I granted the motion to compel and granted the motion to strike for reasons stated on the record. Plaintiff must provide the ordered discovery not later than March 28, 2008. Defendant shall not use any matters discovered as a result of this court's order in any other lawsuit, administrative action, or other proceeding without first obtaining this court's written permission or written permission from plaintiff. Absent plaintiff's consent, defendant shall not seek or obtain additional discovery in the instant lawsuit that is directly and primarily derived from the information obtained in response to this

court's order compelling responses to requests for production 189-200. These limitations are intended to allay plaintiff's concerns that defendant is trying to backdoor discovery for the parties' California lawsuit and that allowing the instant discovery will exponentially expand discovery in the instant lawsuit. The court expects both sides to honor its intent in letter and spirit during further discovery in this case. Each side will bear its own costs on the motion to compel.

Entered this 20<sup>th</sup> day of March, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge