

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

KENNETH A. SLABY,

Plaintiff,

ORDER
06-C-250-S

v.

LON G. BERNDT, BERLON INDUSTRIES, LLC,
MARK A. KYLE, PETERSON IMPLEMENT, INC.,
MDMA EQUIPMENT DEALERS, INC. and
HEHLI-VOLD CORPORATION,

Defendants.

Plaintiff's motion to compel discovery from all defendants came on to be heard by telephone in the above entitled matter on September 13, 2006, the plaintiff having appeared by IP Special Counsel by Michael T. Hopkins; defendants by Andrus, Sceales, Starke & Sawall by Gary A. Essmann. Honorable John C. Shabaz, District Judge, presided.

It would appear that defendants have decided to delay discovery until their county fairs have been completed. This Court is of the opinion that the provisions of Rule 1 will nonetheless be enforced.

Accordingly,

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery is GRANTED.

IT IS FURTHER ORDERED that defendants shall forthwith serve complete, non-evasive responses to the following requests: plaintiff's first set of written interrogatories to defendants Lon G. Berndt and Berlon Industries; plaintiff's first requests for production of documents to defendants Lon C. Berndt and Berlon Industries; plaintiff's first set of written interrogatories to defendants Mark A. Kyle and Peterson Implement; plaintiff's first requests for production of documents to defendants Mark A. Kyle and Peterson Implement; plaintiff's first set of written interrogatories to defendants MDMA Equipment Dealers and Hehli-Vold Corporation; and plaintiff's first requests for production of documents to defendants MDMA Equipment Dealers and Hehli-Vold Corporation.

IT IS FURTHER ORDERED that where defendants have provided responses to discovery requests they are woefully inadequate, particularly where in their responses dated September 1, 2006 defendants stated:

"Documents providing this information will be produced. . . Documents responsive to this interrogatory will be produced. . .The testimony of defendants, plaintiff and Mr. Fred Kulig, along with evidence not yet under defendants' control. . .The file histories of the patents in suit, along with the prior art. . .The testimony of the plaintiff, the attorney who prepared and prosecuted the applications that resulted in the patents-in-suit and Mr. Fred Kulig."

to name but a few. Accordingly, this order requires that the answers provide the information requested.

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IT IS FURTHER ORDERED that costs and reasonable attorney's fees are awarded plaintiff from defendants to include all time expended in the securing of that discovery which has been requested from the date said discovery was due.

Entered this 13th day of September, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge