

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

C.E. NIEHOFF & CO.,
an Illinois corporation,

Plaintiff,

v.

QUANTUM DEVICES, INC., *et al.*,

Defendants.

ORDER

06-C-480-C

On May 1, 2007, plaintiff filed a motion to stay discovery pending this court's consideration of plaintiff's "unopposed" motion to dismiss without prejudice and defendant Quantum Devices, Inc.'s motion for sanctions. *See* Dkt. 41. Quantum Devices opposes the motion, characterizing it as "really quite audacious." *See* Dkt. 42.

I will grant the motion in part and deny it in part. For obvious reasons, the parties shall not engage in any additional discovery pending the court's decision on dismissal. On the other hand, plaintiff had a discovery obligation due April 13, 2007 which it has not fulfilled. Plaintiff cannot obtain *nunc pro tunc* expiation of its failure timely to respond to Quantum Devices' Rule 34 demand by means of the instant motion. Not later than May 8, 2007, plaintiff shall provide to Quantum Devices ten of the allegedly defective parts numbered G44-26. Quantum Devices shall not perform destructive testing on these parts without prior

approval either from plaintiff or the court. Absent further court order, Quantum Devices shall not make these parts available to strangers to this litigation¹ and shall return the parts to plaintiff upon entry of judgment in this case.

Entered this 3rd day of May, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

¹Quantum Devices may retain third-party experts to examine these parts.