

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

VEHICLE IP, LLC,

Plaintiff,

v.

GENERAL MOTORS CORPORATION,
ONSTAR CORPORATION,
CELLCO PARTNERSHIP, and
NETWORKS IN MOTION, INC.,

Defendants.

ORDER

07-cv-345-bbc

Defendant Networks in Motion, Inc. has moved for reconsideration of an order entered by Judge Shabaz on December 19, 2007, granting plaintiff Vehicle IP, LLC's motion to compel discovery of defendant's products based on AtlasBook Navigator. Although final judgment has been entered in the case, defendant seeks to reverse what it believes was the imposition of sanctions upon it. In fact, a close review of the December 19 order shows that Judge Shabaz did not impose sanctions but intended merely to shift the costs incurred by plaintiff in moving to compel.

Although I can appreciate defendant's reluctance to respond to plaintiff's requests for

discovery concerning products based on AtlasBook that were not accused by plaintiff, I cannot find that Judge Shabaz erred in finding that defendant had no substantial justification to withhold the information sought by plaintiff. In that situation, cost shifting is generally a matter of course. I interpret Judge Shabaz's order as requiring no more than that.

ORDER

IT IS ORDERED that defendant Network in Motion, Inc.'s motion for reconsideration of Judge Shabaz's December 19, 2007 order, dkt. #64, granting plaintiff Vehicle IP, LLC's motion to compel discovery is DENIED. Plaintiff may have until March 31, 2008, in which to submit an itemization of the costs it incurred in bringing the motion; defendant Network in Motion may have until April 14, 2008, in which to object to any of the costs claimed by plaintiff.

Entered this 19th day of March, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge