

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

THE DIAMOND CENTER, INC.,

Plaintiff,

v.

LESLIE'S JEWELRY MFG. CORP.,

Defendant.

ORDER

07-cv-708-bbc

On June 30, 2008, this court held a hearing on plaintiff's motion to compel discovery (dkt. 42) and defendant's responsive motion for protection from discovery (dkt. 49). Both sides were represented by counsel.

Having read all the submissions and having discussed the disputes at length with both sides, I denied plaintiff's motion in all but two respects and granted defendant's motion. Upon the submission of a joint addendum to the protective order providing for "attorneys' eyes only" protection, defendant must provide to plaintiff its line items on defendant's annual advertising budget (Interrogatory No. 6) and its line item on gross markups for retailers (Request for Production No. 4, Second Set). Additionally, defendant must back up its assertions in response to disputed discovery requests that "that's all there is" with an actual interrogatory response to that effect from the defendant. Plaintiff is entitled to no additional discovery on any of the disputed items. These matters simply are not relevant to the lawsuit currently before the court, notwithstanding plaintiff's theory of liability.

Each side will bear its own costs on this discovery motion. If additional discovery motions are filed in this case, the court will enforce Rule 37(a)'s cost-shifting requirements.

Entered this 30th day of July, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge