

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONTROL MODULE INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 3:07CV475 (ATW)
	:	
DATA MANAGEMENT INC.,	:	
	:	
Defendant.	:	
_____	:	

RULING AND ORDER

Pending before the court are the plaintiff's Motion to Compel (Doc. # 59) and For Sanctions (Doc. # 60) on January 25, 2008, and plaintiff's Second Motion to Compel and For Sanctions (Doc. # 65) on February 2, 2008. After argument heard on March 19, 2008, it is hereby ordered:

I. Plaintiff's Motion to Compel (Doc. # 59).

The plaintiff's Motion to Compel is DENIED without prejudice to refile. Counsel for the parties are encouraged to confer with opposing counsel in an effort in good faith to resolve by agreement the issues raised by this motion and addressed during the hearing. See Rule 37(a) of the Local Rules, United States District Court, District of Connecticut.

II. Plaintiff's Second Motion to Compel (Doc. # 65).

A. As to Plaintiff's First Requests for Production, numbers 28 and 32, the plaintiff's Second Motion to Compel is WITHDRAWN in light of the agreement between the parties.

B. As to Plaintiff's First Requests for Production, number 19, the Motion to Compel is GRANTED as follows:

The defendant shall produce any written direction or guidance it provided to its employees, and any individual notations and records made by the defendant's sales persons, addressing or covering the transition from plaintiff's products to Xipher Technologies' products, for the time period January 2004 through December 2005.

C. As to Plaintiff's First Requests for Production, numbers 13 and 14, the Motion to Compel is DENIED without prejudice to refile. Counsel for the parties are encouraged to confer with opposing counsel in an effort in good faith to resolve by agreement the issues raised by this motion and addressed during the hearing. See Rule 37(a) of the Local Rules, United States District Court, District of Connecticut.

D. As to Plaintiff's Second Request for Production, numbers 12 and 13, the Motion to Compel is GRANTED.

III. Plaintiff's Requests for Sanctions (Doc. # 60, 65).

After hearing the parties' arguments and upon due

consideration, the undersigned finds an award of fees or other expenses would be unjust. See Fed. R. Civ. P. 37(a)(4)(A).

Accordingly, the Plaintiff's Requests for Sanctions are DENIED.

SO ORDERED.

Dated at Hartford, Connecticut, this 20<sup>th</sup> day of March,  
2008.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge