

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

|                                 |   |                              |
|---------------------------------|---|------------------------------|
| <b>COVETRUS, INC., et al. ,</b> | ) |                              |
|                                 | ) |                              |
| <b>Plaintiffs</b>               | ) |                              |
| <b>v.</b>                       | ) | <b>No. 2:21-cv-00097-LEW</b> |
|                                 | ) |                              |
| <b>ACTIAN CORPORATION,</b>      | ) |                              |
|                                 | ) |                              |
| <b>Defendant</b>                | ) |                              |

**MEMORANDUM DECISION AND ORDER RE: DISCOVERY DISPUTE**

Following a discovery conference on January 19, 2022, I ordered the parties to submit letter briefs regarding the defendant’s request to physically inspect certain computers and servers belonging to the plaintiffs. *See* ECF Nos. 80, 87. Specifically, I ordered them “to address in their briefs (1) the benefit of a physical inspection of the computers and servers over the inspection of forensic images of those devices that is apparently not opposed by the plaintiffs; (2) the burden to the plaintiffs of a physical inspection, and (3) any relevant caselaw.” ECF No. 87.

Having now reviewed the parties’ briefs (ECF Nos. 95, 96, 99, 100) and the authorities cited therein, I accept that a physical inspection may provide some additional benefit to the defendant but conclude that the benefit is outweighed by the burden such a physical inspection would impose on the plaintiffs. *See* Fed. R. Civ. P. 26(b)(1). The plaintiffs have agreed to produce forensic images of the devices that the defendant seeks to inspect as well as the technical specifications of those devices; they are hereby **ORDERED** to do so by March 7, 2022. I anticipate that the production will be made pursuant to the existing confidentiality order (ECF No. 43) and that, if there are any details that still need to be worked out regarding the exact procedure of the production, the parties will be able to handle such arrangements on their own. Finally, if the

defendant's inspection of the forensic images reveals that they are not as thorough and complete as the plaintiffs have represented, the defendant may, of course, seek further assistance from the court.

**NOTICE**

***In accordance with Federal Rule of Civil Procedure 72(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof.***

***Failure to file a timely objection shall constitute a waiver of the right to review by the district court and to any further appeal of this order.***

Dated this 21<sup>st</sup> day of February, 2022.

/s/ John H. Rich III  
John H. Rich III  
United States Magistrate Judge