UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

WAI FENG TRADING CO. LTD, and EFF MANUFACTORY CO., LTD., Plaintiffs,	: : :	
v.	:	C.A. No. 13-33S
QUICK FITTING, INC., Defendant.	: :	
		consolidated with
QUICK FITTING, INC., Plaintiff,	: :	
v.	:	C.A. No. 13-56S
WAI FENG TRADING CO. LTD., et al., Defendants.	: :	

MEMORANDUM AND ORDER

Pending before the Court for determination in these consolidated cases[1] are four motions arising from the parties' bitter dispute over when the fact discovery phase of these contentious cases should end and what discovery remains to complete before it does:

1. Quick Fitting's motion to extend discovery and pretrial deadlines (ECF No. 190);

2. Quick Fitting's motion to compel production of push-fit plumbing molds (ECF No. 191);

3. The Wai Feng parties'[2] motion to quash notices of depositions that Quick Fitting served after the close of fact discovery (ECF No. 194);[3] and

[1] All four motions pertain to both of the consolidated cases. For ease of reference, in those instances where an identical filing or text order appears on the same date in both cases, I cite only to the ECF docket number in C.A. No. 13-56S and omit the civil action number. Otherwise, the appropriate civil action number is included with each record citation.

[2] The Wai Feng parties are Wai Feng Trading Co., Ltd., EFF Manufactory Co., Ltd., Eastern Foundry & Fitting, Inc., Eastern Foundry and Fitting, LLC, Wai Mao Co., Ltd, and Andrew Yung. See ECF No. 192.

4. Quick Fitting's motion to compel production of native electronic files from a recent document production (ECF No. 196).

As L. Frank Baum wrote in The Marvelous Land of Oz, "everything has to come to an end, some time,"[4] so with the fact discovery phase for these cases. See Greer v. Elec. Arts, Inc., No. C10-3601 RS JSC, 2012 WL 6115599, at *3 (N.D. Cal. Dec. 10, 2012) ("At some point fact discovery must end. That point has arrived."). In determining these motions, the Court's task is to keep the cases rolling forward, steady and true, on the discovery road mapped by Fed. R. Civ. P. 26(b)(1), with its now clear directive that courts must ensure that discovery is limited to what is "proportional to the needs of the case." Guided by Fed. R. Civ. P. 1's lodestar mandate that "[t]hese rules . . . should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action," I reject both the endless highway proposed by Quick Fitting and the dead-end proposed by the Wai Feng parties.

My ruling may be briefly summarized. Because Quick Fitting's final motion to compel (ECF No. 150) resulted in an order mandating a final electronic search, which led to the production by the Wai Feng parties of a small set (sixty-two pages) of documents after Quick Fitting had taken the depositions of Wai Feng principals, I order that Quick Fitting may reopen the deposition of Andrew Yung, both as an individual and in a Fed. R. Civ. P. 30(b)(6) capacity, strictly cabined to inquiry about the newly produced documents. Further, because Quick Fitting has justified its need for production of only

[3] During the hearing on the four motions, the Court ruled on one aspect of the Wai Feng parties' motion to quash, ordering that the deposition of third-party John Biduk of the Bow Group should proceed telephonically without delay, unless he agrees to come to Rhode Island, and that the examination of Mr. Biduk must be strictly limited to the issues raised by the documents produced by the Wai Feng parties on April 6 and 22, 2016. The details of that ruling were made clear at the June 1, 2016, hearing and will not be discussed further in this memorandum and order.

[4] L. Frank. Baum, The Marvelous Land of Oz (1904), http://www.pagebypagebooks.com/L_Frank_Baum/The_Marvelous_Land_of_Oz/The_Scarecrow_Takes_Time_to_Think_p1.html.

two pages of the newly produced documents in a second form, as to those documents alone, I order that they be produced in whatever native format the Wai Feng parties may have them in, with all costs associated with such production shifted to Quick Fitting. See Fed. R. Civ. P. 34(b)(2)(E)(iii) ("[a] party need not produce the same electronically stored information in more than one form"). Otherwise, all of the motions are denied. I decline to reopen fact discovery; it remains closed except for these discrete tasks. To accommodate the completion of these tasks while not crimping the parties' ability to make expert disclosures and to prepare dispositive motions or pretrial materials, I order that the rest of the deadlines in the pretrial scheduling order be pushed out by forty-five days.

The analysis follows.

I. BACKGROUND

As in many cases where the close of discovery itself is the subject of disputation, in these cases, it may fairly be said that "[d]iscovery has been endless and acrimonious." Robinson v. Stanley, No. 06 C 5158, 2010 WL 1005736, at *1 (N.D. Ill. Mar. 17, 2010). The cases were both initiated three and a half years ago, in January 2013. First to file, some[5] of the Wai Feng parties initiated a collection action, seeking payment for plumbing products manufactured pursuant to Quick Fitting's confidential specifications, and sold and delivered to Quick Fitting, for which Quick Fitting allegedly still owes them $477,661.47 (Wai Feng Trading Co. Ltd. v. Quick Fitting, Inc., C.A. No. 13-33S). In

[5] As discussed at length in prior decisions in these cases, the list of what are now referred to as the Wai Feng parties has shifted over time, particularly in the early chapters of these cases. See, e.g., ECF No. 39 in 13-33; ECF No. 104 in 13-56. Because precision with respect to which of the Wai Feng parties is involved at specific points during the evolution of these cases is not necessary to the resolution of these motions, I somewhat loosely and at points inaccurately use the term "Wai Feng parties" to refer to whichever of them was involved at the time with the referenced filing.

response, Quick Fitting, claiming that it is the inventor of patented and trademark-protected technology for manufacturing certain push-fit plumbing fixtures, sued the Wai Feng parties (and ultimately also counterclaimed in 13-33) for theft of its intellectual property and breach of certain contractual confidentiality and non-competition provisions in the three agreements between the parties (Quick Fitting v. Wai Feng Trading Co., CA. No. 13-56S). Quick Fitting's principal damage claim appears to be based on a clause in the May 2011 agreement that a breach gives rise to its right to $500,000 in liquidated damages. ECF No. 59-3 at 4.

At the Rule 16 conference held on May 22, 2013, December 31, 2013, was set as the close of fact discovery. ECF No. 15. Over the two years that followed, the close of fact discovery was extended five times; four of these extensions were uncontested. Text Orders of May 2, 2014, Oct. 2, 2014, Jan. 28, 2015, Mar. 11, 2015. In a harbinger of what would follow, in one instance where Quick Fitting asked for six more months based on its intent to amend the complaint in 13-56 to add more claims and parties, the Wai Feng parties objected. ECF No. 40. While they agreed that the fact discovery deadline needed to be extended, they argued that Quick Fitting's request for six more months was excessive and that "if Quick Fitting's new parties and claims will significantly complicate and delay the resolution of their claims, they will consider moving to unconsolidate these two cases." Id. at 2. At the end of these five extensions, the close of fact discovery was set for July 1, 2015. Text Order of March 11, 2015.

Beginning in July 2015, the Wai Feng parties began a pattern of fairly consistently[6] objecting to new extensions to discovery, arguing prejudice from the delays and sometimes

[6] While the Wai Feng parties were consistent in putting Quick Fitting and this Court on notice of their serious concerns about the length and scope of fact discovery, they were not rigid about objecting in that they also consented to several requested extensions that they deemed to be reasonably based on good cause. See Fed. R. Civ. P. 16(b)(4) (pretrial schedule may be modified for good cause).

focusing on the lack of proportionality of the discovery sought by Quick Fitting during the proposed extension. For example, on June 29, 2015, Quick Fitting asked for a ninety-day extension; in response, the Wai Feng parties argued vociferously that the Court should stipulate that this would be the final extension: "[the Wai Feng parties] seek to bring discovery in this action to a definite close" and further delay would be "unfairly prejudicial." ECF No. 125 in 13-56 at 1, 4. The Court declined to limit further extensions, finding that it would be premature to do so, but also cautioning Quick Fitting that "[the Wai Feng parties have] laid a strong foundation for resisting another extension." ECF No. 129 at 3. The fact discovery close was pushed out to October 1, 2015. Id. By consent based on an array of developments, including an amendment to Quick Fitting's complaint, it was reset again to November 2, 2015.

Quick Fitting's next contested motion to extend was filed on November 2, 2015. ECF No. 143 in 13-56. It proposed a new fact closure deadline of December 18, 2015, based on documents located and produced by the Wai Feng parties during depositions of their principals, which exposed the need to continue the party depositions and to take third-party discovery from Watts Water Technologies and Mueller Industries. ECF No. 143 in 13-56. The Wai Feng parties objected,[7] arguing they agreed to more discovery to explore the documents the Wai Feng parties had just produced but that Quick Fitting should not be allowed to propound new discovery "that could have and should have been done months or years ago." ECF No. 144. On November 12, 2015, the Court granted Quick Fitting's motion by text order "[i]n light of the relatively short amount of time requested and the recent discovery of new documents," but also cautioned that "further contested requests for extensions . . . will not be lightly granted." Text

[7] Quick Fitting also purported to rely on the filing of an amended complaint. However, the Wai Feng parties properly pointed to Quick Fitting's representation to the Court that the filing of its Second Amended Complaint "is not a restart that will add years to the life of this case and Quick Fitting does not argue that its amendment will require it to pursue new discovery." ECF No. 144 in 13-56 (quoting ECF No. 107 in 13-56).

Order of Nov. 12, 2015. The fact discovery closure date was reset for December 18, 2015. Id. On December 22, 2015, by consent because of difficulty in completing depositions, including that of Watts Water, it was extended again to February 5, 2016. Text Order of Dec. 22, 2015.

Meanwhile, on November 25, 2015, Quick Fitting filed an extraordinary motion to compel – it sought an order requiring the Wai Feng parties to cede control over every device within their control that has a repository of electronically stored information and to allow Quick Fitting to take an electronic image through the services of a vendor paid for by the Wai Feng parties, effectively giving Quick Fitting unfettered access to everything without regard to relevancy or privilege. ECF No. 150. On January 25, 2016, this Court held an initial hearing on Quick Fitting's motion to compel (together with a final hearing on other motions). At the hearing and thereafter, the motion to compel was continued twice as it remained clear to the Court that Quick Fitting had not even bothered to try to meet and confer about what would be required for the Wai Feng parties to perform a proportional search for relevant, non-privileged documents. ECF No. 189 at 2-3 in 13-56; Notice of Hearing docketed Feb. 1, 2016. After three phone conferences (Notices of Feb. 9, 23 and March 1, 2016), Quick Fitting's motion to compel was set for final hearing on March 16, 2016.

On February 5, 2016, with the motion to compel pending, Quick Fitting filed a motion to extend the fact closure deadline to March 18, 2016, ECF No. 179 in 13-56; the Wai Feng parties objected, stating that all remaining discovery could be completed by March 1, 2016. ECF No. 180. This dispute was added to the matters set for hearing on March 16, 2016, along with the motion to compel.

Following argument on March 16, 2016, from the bench, the Court granted in part Quick Fitting's motion to compel by requiring the Wai Feng parties to make another search for relevant

non-privileged documents using search terms in a database that had not yet been exhaustively searched; otherwise the motion was denied. ECF No. 189 at 4-10, 43-48 in 13-56. On the motion to extend discovery deadlines, the Court observed that "this case is at its end in terms of discovery" and gave the parties another month, setting the new close of fact discovery for April 15, 2016. ECF No. 189 at 48-50 in 13-56; Text Order of March 16, 2016.

The Wai Feng parties' compliance with this order resulted in the discovery of sixty-two pages of new documents, produced to Quick Fitting on April 6 and 22, 2016. The Wai Feng parties contend that these are documents of borderline relevancy and have supplied declarations from Andrew Yung and two employees to buttress that claim. See ECF Nos. 192-15, 192-16, 195. Quick Fitting argues that they may be significant and that it is "impossible to understand the import of [the newly-produced documents] without further discovery." ECF No. 190 at 4. Without conducting a mini-trial on this heated dispute over relevancy, it is impossible for the Court to ascertain who is right. Meanwhile, underscoring the need for this Court to focus carefully on the proportionality of Quick Fitting's discovery demands, the Court now has pending a motion (ECF No. 204 in 13-56) from Watts Water seeking to be reimbursed $89,401.33 as a result of the unreasonable costs it alleges that it was compelled to expend to respond to Quick Fitting's Fed. R. Civ. P. 45 subpoena, an effort that the Wai Feng parties are quick to argue was a waste of time. See ECF No. 192-1 at 5.[8]

II. ANALYSIS

I first deal with the most important issue – what depositions may now be taken. Then, I address whether the Wai Feng parties must produce any of the new documents in a second format. Third, I deal with the somewhat discrete issue of the inspection of the molds. Finally,

[8] No objection to the Watts Water motion has yet been filed and Quick Fitting has signaled its intent to oppose it vigorously, arguing that the discovery from Watts Water produced relevant information and that Watts's complaints about its costs are not reasonable.

with the substantive discovery that remains clarified, I decide what should happen with the pretrial schedule.

A. Wai Feng Parties' Motion to Quash Notices of Deposition

After the Wai Feng parties made the April 6 and 22, 2016, document production (and after the fact discovery close on April 15, 2016), Quick Fitting noticed five Rule 30(b)(6) depositions of various Wai Feng entities[9] focused on the newly produced documents. It also subpoenaed records from and noticed a telephonic deposition of a records keeper of IAPMO Research & Testing, Inc. ("IAPMO").

The Wai Feng parties' late production of relevant documents that should have been produced sooner is more than enough justification for a renewed deposition to permit Quick Fitting to inquire about them. Le v. Diligence, Inc., 312 F.R.D. 245, 246-47 (D. Mass. 2015) (renewed deposition necessitated by production of documents after first deposition); Morrison v. Stephenson, No. 2:06-CV-0283, 2008 WL 145017, at *2 (S.D. Ohio Jan. 10, 2008) ("if, after a witness is deposed . . . new documents are produced, the witness may be re-deposed with respect to these new developments"). However, the re-opened deposition should be limited to what is necessary to explore the new documents. See Official Comm. of Unsecured Creditors of Exeter Holdings, Ltd. v. Haltman, No. CV135475JSAKT, 2016 WL 1180194, at *4 (E.D.N.Y. Mar. 25, 2016) (in general, re-opening depositions "limited to particular documents"); Kotas v. Eastman Kodak Co., No. CIV.A. 95-CV-1634, 1997 WL 570907, at *17 (E.D. Pa. Sept. 4, 1997) (renewed depositions "limited to the area of these newly-produced corporate documents").

Because Andrew Yung's name appears in many, indeed most, of the email strings constituting the new production and because of his position as an owner and/or operator for

[9] Quick Fitting served the notices for a 30(b)(6) designee from Wai Feng Trading Co., Ltd, EFF Manufactory Co., Ltd., Eastern Foundry & Fitting, Inc., Eastern Foundry and Fitting, LLC, and Wai Mao Company, Ltd. It explained that it did so because the Wai Feng parties had not advised which of them produced which of the new documents.

several of the Wai Feng parties, I order that he must be produced for a short deposition to testify about his knowledge of the newly produced documents, as well as to testify as the Rule 30(b)(6) designee of the appropriate Wai Feng party entities regarding the matters listed in the notice. The deposition shall be limited to four hours and, if the parties cannot agree to the venue, shall be conducted at Quick Fitting's option either telephonically or at the Wai Feng parties' principal place of business in Canada on a date convenient to Mr. Yung.

Quick Fitting's deposition notice to IAPMO is another matter. As described in its Complaint in 13-56, Quick Fitting has long suspected that the Wai Feng parties improperly disclosed Quick Fitting's intellectual property to a Chinese entity owned by a Yung relative, Cixi Welday Plastic Product Co., Ltd. ("China Welday"), and that China Welday used Quick Fitting's secret methods to manufacture plumbing products. ECF No. 59 at 33-35 in 13-56. Consistent with Quick Fitting's theory, it alleges that it became aware that in May 2013, China Welday applied to IAPMO, a certifying entity, for certification of a line of brass push-fit products and introduced a new line of products several months later. Id. In response, Quick Fitting subpoenaed IAPMO in November 2013; IAMPO produced documents that included a list of items for which China Welday allegedly was seeking certification. The list lacks any details that might permit the determination whether it is relevant to this case or not. Quick Fitting followed up with an IAPMO deposition notice in October 2015; however, after it was noticed, Quick Fitting canceled and rescheduled it for November 2015, and then cancelled it again. Until after the close of fact discovery in April 2016, Quick Fitting did not bother to try to take the IAPMO deposition.

Quick Fitting now tries to argue that the newly produced documents create a new reason to take a deposition that it could have completed at any time since November 2013. The

argument does not make sense. There are two potentially relevant newly produced emails: first, dated March 17, 2013, Andrew Yung forwarded a copy of a China Welday push-fitting "quotation" list to another Wai Feng party employee with no message (ECF No. 196-6 at 13, 15); and, second, dated May 9, 2013, China Welday transmitted to Andrew Yung a price list for its "brass push-fit fittings." ECF No. 196-6 at 5, 7-8. Both of these lists appear to be similar to the product list produced in November 2013 by IAMPO. Compare ECF Nos. 196-6 at 8, 15, with ECF No. 200-6 at 2. In his declaration, Andrew Yung avers that he does not know why China Welday sent its price list to him. ECF No. 195 ¶ 6. These newly produced documents make it no more or less likely that the product list sent to IAMPO in May 2013 was based on the theft of Quick Fitting's intellectual property.[10] Quick Fitting seems to be trying to sneak in a deposition after the close of fact discovery that it could have completed years ago.

Quick Fitting's argument that it should be allowed to take the IAPMO deposition is insufficient cause to justify the reopening of fact discovery. The Wai Feng parties motion to quash the IAMPO notices is granted.

B. Quick Fitting's Motion to Compel Production in Native Format

Quick Fitting seeks production of a subset of the newly produced documents in native format. The background relevant to this request must focus on Quick Fitting's discovery request, which did not specify format as permitted by Fed. R. Civ. P. 34(b)'s provision allowing the requesting party to "specify the form or forms in which electronically stored information is to be

[10] The deposition of Quick Fitting's principal, David Crompton, taken on October 27, 2015, reveals that, as of that date, Quick Fitting had suspicions of China Welday but no facts to support them. ECF No. 192-5; ECF No. 192-6. Mr. Crompton testified that he knew that confirmation of these suspicions might be accomplished through the deposition of IAMPO, as well as by acquiring access to one of the accused China Welday products in the open market and examining it. ECF No. 192-5 at 5-6; 192-6 at 1-2. He testified that Quick Fitting was planning to proceed on both tracks. ECF No. 192-5 at 6-7.

produced."[11] Nor did Quick Fitting take advantage either of Fed. R. Civ. P. 26(f)'s urging that parties should discuss "any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced," or of Fed. R. Civ. P. 16(b)(3)(B)(iii)'s suggestion that the Rule 16 order may "provide for disclosure or discovery of electronically stored information." Rather, both Quick Fitting and the Wai Feng parties have consistently produced documents since the initiation of these cases in either hard copy or in searchable PDF format. See Davenport v. Charter Commc'ns, LLC, No. 4:12CV0007AGF, 2015 WL 1286372, at *3 (E.D. Mo. Mar. 20, 2015) ("Lacking a specific request to the contrary, courts regularly find searchable PDF documents to constitute a reasonably usable form."); Castillon v. Corrs. Corp. of Am., No. 1:12-cv-00559-ESL, 2014 WL 517505, at *4 (D. Idaho Feb. 7, 2014) (same). Consistent with this case-long practice, the newly produced documents were produced in searchable PDF format. Having received the Wai Feng parties' final production in the same format that had been acceptable for three and half years, Quick Fitting now asks the Court to order that the Wai Feng parties go back to the database from which these documents were extracted and produce them again, this time, in native format with all metadata intact.

Quick Fitting makes no attempt to harmonize its request for production in a second format with the guidance in Fed. R. Civ. P. 34(b)(2)(E)(iii) that "[a] party need not produce the same electronically stored information in more than one form." Instead, it urges the Court to rely upon the Sedona Principles, a copy of which it provided to the Court with its motion. See Sedona Principles: Second Edition, Best Practices Recommendations & Principles for

[11] When faced with this deficit in its document request, Quick Fitting pointed to the definition of "document," which provides that a request for a document includes "electronic data, electronically stored information and electronic mail." ECF No. 184 at 14 in 13-56; ECF No. 184-2 at 3-4 in 13-56. This simply is not close to specifying that production must be in a certain format.

Addressing Electronic Document Production (2007). This proffer is unavailing – the Sedona Principles are fully consistent with the directive of Fed. R. Civ. P. 34(b)(2)(E)(iii). They provide that production in a second format should be ordered only if the request is based on a "substantial need or justification," and that, in such event, the Court should deploy cost shifting to reduce the burden inflicted on the producing party. See Sedona Principles cmt. 12.d, 13.b.

For most of the records that it seeks in native format, Quick Fitting's argument regarding its justification for compelling production in a second form must be characterized as tepid. Without explaining why, it contends that it should not have to "guess at the content," "the timing and order of the emails," "the server path the email took," or "whether these email segments contained attachments at any point along the chain." ECF No. 196 at 9, 11, 13, 18. The problem with these arguments is that all of that guessing is readily resolved by an examination of the emails themselves, copies of which were provided to the Court. Only two documents – the two China Welday price lists that are bates-stamped W03243 and W03250 – arguably might contain metadata that could be relevant. Quick Fitting argues that, despite their electronic title, these lists may originally have been prepared by the Wai Feng parties in connection with their conspiracy with China Welday to steal Quick Fitting's intellectual property and that the metadata annexed to the native format version would permit it to ascertain whether that is so. The Wai Feng parties argue that they lack the software or resources to return to the database in which these spread sheets were found and extract them in native format with the metadata intact; further, they express appropriate skepticism that a much emailed price list would still retain the metadata showing its original creator.

Based on the foregoing, the motion for production in a second format is denied except as to the two documents bates-numbered W03243 and W03250, as to which cost-shifting is

ordered. Specifically, at its sole expense, Quick Fitting shall engage an electronic vendor capable of retrieving a document in native format without interfering with whatever metadata may remain, and the Wai Feng parties shall cooperate with the vendor in its efforts to retrieve the two documents in native format. Quick Fitting must have its vendor ready to proceed by June 30, 2016, or forego the production of the documents in native format.

C. Quick Fitting's Motion to Compel Production of Molds

Quick Fitting's inspection of certain molds[12] is discovery that was first scheduled to occur over two years ago, on June 2, 2014, in Walpole, Massachusetts, where the Wai Feng parties stored them. Quick Fitting canceled that inspection because the time was changed by an hour due to illness of a Wai Feng employee. Over the two years since then, Quick Fitting's counsel has repeatedly mentioned to counsel for the Wai Feng parties that the mold inspection needed to be scheduled and the Wai Feng parties consistently acquiesced. However, Quick Fitting did nothing to actually set it up until April 14, 2016, one day before the close of fact discovery. And when the Wai Feng parties inquired about what it intended, Quick Fitting made clear that it planned to bring up to three potential fact witnesses to the inspection and that their testimony about their observations would potentially be presented at trial to establish that the number and condition of the molds had degraded from what Quick Fitting expected, resulting in the entitlement to money damages. Quick Fitting was clear that its plan for the mold inspection would place the Wai Feng parties on the horns of a dilemma – they must either depose the three inspectors of the molds about their observations and conclusions regarding any gap between the molds they saw and the molds they expected to see, take additional discovery focused on the factual basis for these conclusions and perform their own counter inspection, or risk being

[12] These molds were used by the Wai Feng parties to manufacture the plumbing products sold to Quick Fitting. Their ownership is in dispute.

sandbagged at trial. Quick Fitting was also adamant that it has no interest in performing the mold inspection in connection with expert testimony, which remains open.

Quick Fitting tries to justify its lackadaisical approach to the mold inspection by blaming the Wai Feng parties for their acquiescence, arguing that it was lulled into believing that delay up to the brink of the close of discovery would not draw an objection. That dog won't hunt – as the party requesting the inspection, Quick Fitting has the burden to follow through on the discovery it needs. Fed. R. Civ. P. 26(b)(2)(C)(ii). Moreover, the Wai Feng parties have been clear since July 5, 2015, that they would object to further expansion of the fact discovery period; Quick Fitting acted at its peril in ignoring these warnings. Also deeply troubling to the Court is that what Quick Fitting plans amounts to a sandbag of the Wai Feng parties. See Brandon v. Mare-Bear, Inc., 225 F.3d 661, at *4 (9th Cir. 2000) (principal goal of discovery rules is to prevent trial by ambush and surprise); Smith v. Ford Motor Co., 626 F.2d 784, 797 (10th Cir. 1980) (same).

Quick Fitting's lack of diligence in scheduling the inspection warrants denial of its motion to compel. See DRI LR Cv 26(c) ("Unless the Court otherwise orders, pretrial discovery must be completed by the discovery closure date."). When a movant fails diligently to pursue readily available discovery, despite ample opportunity to conduct that discovery, the district court does not abuse its discretion by refusing to re-open discovery. Kulkarni v. City Univ. of N.Y., No. 01 CIV. 10628(DLC), 2003 WL 23319, at *4 (S.D.N.Y. Jan. 3, 2003).

D. Quick Fitting's Motion for Extension of Discovery and Other Pretrial Deadlines

The final task is the extension of pretrial deadlines. Mindful that "discovery, like all matters of procedure, has ultimate and necessary boundaries," Hickman v. Taylor, 329 U.S. 495, 507 (1947), and that the discovery rules are not an excursion ticket to an unlimited, never-ending exploration of every conceivable matter that captures an attorney's interest, Robinson v. Stanley,

No. 06 C 5158, 2010 WL 1005736, at *5 (N.D. Ill. Mar. 17, 2010), Quick Fitting's motion to extend the fact discovery closure deadline is denied. The additional discovery permitted by this order (and by the order of June 1, 2016, regarding the Biduk deposition) may proceed after the April 15, 2016, close of fact discovery, together with any discovery the parties have agreed to complete pursuant to DRI LR Cv 26(c). Otherwise, discovery is over. The timing of the permitted discovery is up to the parties except that it must all be completed within forty-five days of the issuance of this order, and Quick Fitting's electronic vendor must be ready to work with the Wai Feng parties by June 30, 2016. In light of the need to complete this limited fact discovery, the remaining dates in the pretrial schedule need to be extended. Accordingly, they are reset as follows:

- Expert Witness Disclosure due by 9/14/2016.
- Responsive Expert Witness Disclosure due by 10/14/2016.
- Expert Discovery close by 11/14/2016.
- Dispositive Motions due by 12/14/2016.
- Pretrial Memoranda due 30 days after a decision on any dispositive motion or if no motions are filed by 12/14/2016.

III. CONCLUSION

Based on the foregoing, and for the reasons stated at the June 1, 2016, hearing:

- The Wai Feng parties' motion to quash notices of depositions (ECF No. 194) is granted in part and denied in part.
- Quick Fitting's motion to compel production of native electronic files (ECF No. 196) is granted in part and denied in part.
- Quick Fitting's motion to compel production of molds (ECF No. 191) is denied.
- Quick Fitting's motion to extend discovery and pretrial deadlines (ECF No. 190) is granted in part and denied in part. The fact discovery deadline is not

extended, but the discovery specifically permitted by this order may proceed during the next forty-five days. The other pretrial deadlines are re-set as above.

So ordered.

ENTER:

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
June 14, 2016