

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

*IN RE SYNGENTA AG MIR 162 CORN
LITIGATION*

Case No. 16-02788-JWL

THIS DOCUMENT RELATES TO:

*Louis Dreyfus Company Grains
Merchandising LLC v. Syngenta AG, et al.*
No. 2:16-cv-02788-JWL-JPO

ORDER

Louis Dreyfus Company Grains Merchandising LLC (“LDC”) has filed a motion for extension of time to complete its document production (ECF No. 95). Because LDC has demonstrated good cause for a short extension, the motion is granted.

On August 16, 2018, the court entered an order directing LDC “to run Syngenta’s proposed search terms for the document requests that remain in dispute and to produce all responsive, non-privileged documents by September 6, 2018.”¹ In the instant motion, LDC explains that it diligently has been running searches in compliance with the order (and such searches have already returned more than 4 million e-mails), but that technical complications (including corruption of an “eVault” index necessary to search a server

¹ ECF No. 91.

storing Microsoft Outlook e-mails) and infrastructure limitations have made it impossible to meet the court-imposed deadline.

Because LDC has demonstrated that, despite its diligence, it could not produce all the requested documents by the September 6, 2018 deadline, the court grants the following extensions:

1. On a rolling basis and no later than **September 28, 2018**, LDC is ordered to produce as many documents as possible (which should be most) after making its best effort to overcome technical and logistical hurdles.
2. By **October 12, 2018**, LDC is ordered to certify that all responsive, non-privileged documents have been produced. The court is unpersuaded by LDC's suggestion that October 12, 2018, simply be a "best-efforts" deadline to produce all documents called for by the court's August 16, 2018 order.

These short extensions should not impact the parties' ability to conduct and complete fact depositions by the current December 14, 2018 deadline.²

IT IS SO ORDERED.

Dated September 12, 2018, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

² The court finds no good cause, at this time, to extend the deposition time frames. To the extent Syngenta has any concerns regarding scheduling depositions, those concerns may be raised in a separate motion.