

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNIVERSITY OF MASSACHUSETTS
and CARMEL LABORATORIES, LLC,

Plaintiffs,

v.

L'ORÉAL USA, INC.,

Defendant.

C.A. No. 17-cv-868-CFC-SRF

MOTION TO RESOLVE DISCOVERY DISPUTE

The parties respectfully move this Court to address outstanding disputes regarding the following discovery matters during the May 18, 2020 teleconference:

Issues Raised During the April 24, 2020 Teleconference

- Plaintiffs' request, as then ordered by the Court, that L'Oréal USA search for and produce documents responsive to RFPs 27, 32, 40, 41, 42, 53, 59, and 66;
- Plaintiffs' request, as then ordered by the Court, that L'Oréal USA complete its production of organizational charts; and
- L'Oréal USA's status of production of communications from FTC Investigation Docket No. C-4489.

Issues Not Raised During the April 24, 2020 Teleconference

- Plaintiffs' request that L'Oréal USA search for and produce documents responsive to RFPs 1, 2, 3, 4, 7, 8, and 10;¹
- Plaintiffs' request that L'Oréal USA search for and produce documents responsive to RFP 68²;
- Plaintiffs' request that L'Oréal USA supplement its responses to Interrogatories No. 3 and 5;³

¹ The parties dispute whether they have met and conferred on this request.

² The parties dispute whether they have met and conferred on this request.

³ The parties dispute whether they have met and conferred on this request.

- Plaintiffs' request that L'Oréal USA supplement and correct its privilege log⁴ and provide further information with respect to the litigation hold it implemented for this case;
- L'Oréal USA's request that Plaintiffs be ordered to supplement their responses to L'Oréal USA's Interrogatories No. 1, 8, 9, and 11;
- L'Oréal USA's request that Plaintiffs be ordered to designate a witness to provide 30(b)(6) testimony on L'Oréal USA Topics No. 27-35 and 39;
- L'Oréal USA's request that Plaintiffs supplement and correct their privilege log and produce any non-privileged documents;⁵ and
- L'Oréal USA's request that Plaintiffs be ordered to produce documents relating to Teresian Carmelites.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confers by telephone on the following dates:
April 14, 2020 and May 5, 2020.

Delaware Counsel for Plaintiffs:	Brian Farnan Farnan LLP
Lead Counsel for Plaintiffs:	Justin Nelson Davida Brook Tamar Lusztiq Beatrice Franklin Susman Godfrey LLP
Delaware Counsel for Defendant:	Kate Mowery Richards Layton & Finger PA
Lead Counsel for Defendant:	Isaac Ashkenazi Karthik Kasaraneni Paul Hastings LLP Katherine F. Murray Serli Polatoglu Browne George Ross LLP

The Parties request leave to submit simultaneous submissions of up to three pages

⁴ The parties dispute whether they have met and conferred on this request.

⁵ The parties dispute whether they have met and conferred on this request.

addressing issues raised during the April 24, 2020 teleconference, and to submit briefing in accordance with Magistrate Judge Fallon's Standing Order on Discovery Matters addressing any issues not raised during the April 24, 2020 teleconference, in advance of the May 18, 2020 teleconference. The Parties will continue to meet and confer in good faith and attempt to resolve these disputes in advance of the May 18, 2020 teleconference.

Dated: May 11, 2020

FARNAN LLP

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Respectfully submitted,

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