

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GLAS-WELD SYSTEMS, INC., an  
Oregon Corporation,

Civ. No. 6:12-cv-02273-AA

Plaintiff,

ORDER

v.

MICHAEL P. BOYLE, dba SURFACE  
DYNAMIX and CHRISTOPHER BOYLE,

Defendants.

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AIKEN, Chief Judge:

Plaintiff Glas-Weld Systems, Inc., brings patent infringement and unfair competition claims against defendants Michael P. Boyle, dba Surface Dynamix, and Christopher Boyle. Before the court are the parties' discovery reports and requests for depositions, as well as plaintiff's motion to strike and defendant Michael Boyle's motion for emergency stay. Upon review of the discovery reports, the parties have agreed to the depositions of Randy Mackey, Justin Price, Michael Boyle and Christopher Boyle. The parties dispute other potential deponents and matters relating to discovery. The court rules as follows:

1. Plaintiff is allowed to depose John Waltozs, as he submitted a declaration in support of defendants' initial opposition to plaintiff's motion for summary judgment.

2. In addition to Mr. Waltozs, the court will allow the deposition of two additional defense expert witnesses. Defendants identify four other potential defense experts: Thomas Inman, Eric Howe, Andre Segers and Don Gregor. Def.'s Disc. Rep. at 6 (doc. 170). Defendants shall identify who they intend to rely upon as experts within 30 days from the date of this order.

3. Defendants shall not depose Javier Sobriety, Thomas Shoo, Mark Blackwell, Randy Diet., Dana Scarier, Shiloh Shoo, or Robert Beveridge, as such witnesses are not relevant to the issues raised in plaintiff's motion for summary judgment. The court notes that Mr. Sobriety is not an expert in this case, and any declarations or affidavits submitted by him will not be viewed as expert testimony.

4. **The deposition of witnesses shall take place in Eugene, Oregon at the Wayne L. Morse Federal Courthouse and must be completed within 90 days from the date of this order unless otherwise agreed to by the parties or ordered by the court.** The parties shall contact Paul Bruch at 541-431-4111 to schedule depositions at the courthouse. Given Mr. Boyle's health issues, the court is not inclined to order the deposition of Mr. Inman in Minneapolis, should Mr. Inman be identified as one of defendant's additional two experts.

5. Plaintiff's request to strike defendants' Supplemental Interrogatory Response is denied. The response is a discovery response intended to give plaintiff notice of defendants' position, assertions, arguments, and defenses; it is not argument presented to the court.

6. Defendant Michael Boyle's emergency motion for stay (doc. 176) is denied. The timeline provided by the court above will generally accommodate defendant's needs. Plaintiff's request for fees is denied.

If defendant Michael Boyle becomes unavailable or otherwise cannot comply with the court's orders due to a serious medical condition, defendant SHALL NOTIFY the court immediately and provide supporting documentation from a medical provider. Failure to comply with this order will result in an order to show cause why default judgment should not be entered against him.

IT IS SO ORDERED.

Dated this 6<sup>th</sup> day of March, 2015.

  
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Ann Aiken  
United States District Judge