

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SA CV 16-02277-CJC (DFMx)	Date	July 18, 2019
Title	ChromaDex, Inc. v. Elysium Health, Inc.		

Present: The Honorable Douglas F. McCormick

Denise Vo

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

n/a

n/a

Proceedings: (In Chambers) Order Following June 7, 2019 Telephonic Conference

Elysium seeks an order compelling ChromaDex to produce supplemental responses to interrogatories and documents responsive to several document requests. The parties agreed to submit their dispute to the Court through its informal telephonic conference procedure. After receiving the parties' letter briefs the Court heard argument on June 7, 2019. The Court then prepared an order, which was inadvertently not properly transmitted to the Clerk for docketing. The Court regrets the delay caused by this mistake. The Court has updated its order and now rules as follows:

ChromaDex has apparently refused to provide a substantive response to several of Elysium's interrogatories (specifically, Nos. 8, 11, and 12). ChromaDex argues that Elysium's interrogatories seek an expert opinion. The Court disagrees. ChromaDex is therefore ORDERED to produce supplemental responses to Interrogatory Nos. 8, 11, and 12 within twenty-one (21) days of today's date.

The parties' dispute about Elysium's document requests is not as straightforward. Elysium has propounded four document requests seeking documents about ChromaDex's market power and barriers to entry in the NR market. As ChromaDex argues, these document requests are similar to several other document requests which have been the subject of ChromaDex's document productions following a review of electronically-stored information using agreed-upon search terms. While that does not entitle ChromaDex to ignore Elysium's requests, it does make the proportionality of those requests at this stage of the litigation a valid concern.

Yet the parties' discussion of the requests themselves and the proportionality concerns both in the letter briefs and at the hearing failed to sharpen the issue for the Court, reminding the Court somewhat of the parties' first appearance before the Court on a discovery matter in late 2017 (see Dkt. 69). The Court will accordingly employ a similar approach.

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The Court accordingly sets a further telephone discovery conference for Monday, August 5, 2019, at 2:00 pm. The parties are ORDERED to meet and confer about Elysium's document requests in advance of the hearing date. To the extent the parties wish to postpone the discovery conference to allow additional time to meet-and-confer in advance of the hearing date, the parties should contact this Court's Courtroom Deputy Clerk to make such arrangements.

During that conference, the Court will discuss the parties' efforts to reach a possible compromise regarding each of the document requests at issue. If the parties remain unable to reach a resolution with respect to some or all of the document requests, the Court will afford the parties the opportunity to advise the Court how they each proposed to resolve their remaining disputes on a request-by-request basis at the discovery conference. The parties are advised that the Court will, in all likelihood, choose whatever proposal it deems more reasonable in light of the Federal Rules of Civil Procedure.

Initials of Clerk: _____ : _____
DV