

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

GOLO, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 20-667-RGA-SRF
	)	
GOLI NUTRITION INC., a Canadian Corporation, GOLI NUTRITION INC., a Delaware Corporation, and MICHAEL BITENSKY,	)	
	)	
Defendants.	)	
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GOLI NUTRITION INC., a Canadian Corporation and GOLI NUTRITION INC., a Delaware Corporation,	)	
	)	
Counterclaim Plaintiffs,	)	
	)	
v.	)	
	)	
GOLO, LLC and CHRISTOPHER LUNDIN,	)	
	)	
Counterclaim Defendants.	)	
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**MEMORANDUM ORDER**

At Wilmington this 4th day of January, 2023, the court having considered an order of the United States District Court for the Central District of California issued on this same date directing the parties to this civil action and a non-party deponent to address any requests for modification of scheduling order deadlines to the undersigned judicial officer, and having considered the letter briefing submitted by the parties via email in accordance with that order, IT IS ORDERED that:

1. GOLO's request for an extension of the fact discovery deadline of January 6, 2023 (D.I. 308), for the limited purpose of accommodating the deposition of a non-party witness, Jennifer Lopez ("J.L."), on January 27, 2023, is GRANTED. The court finds that a request for a three-week extension of the fact discovery deadline for the convenience of a non-party witness is not unreasonable. *See, e.g., Lloyd-Jones v. Connolly*, 2022 WL 3572837, at \*5 (D.N.J. Aug. 19, 2022) (granting extension of fact discovery to complete two previously noticed depositions of third-party witnesses); *Wolfson-Verrichia Grp., Inc. v. Metro Commercial Real Estate, Inc.*, 2012 WL 13015117, at \*2 (E.D. Pa. Jan. 9, 2012) (extending fact discovery by two weeks to accommodate non-party witness depositions despite previous extensions of discovery).

2. The relief granted herein is limited to an extension of the scheduling order deadline. Any substantive objections to the deposition subpoena of non-party witness J.L. shall be directed to the United States District Court for the Central District of California, pursuant to Federal Rule of Civil Procedure 45(d).

3. This court's ruling does not extend to any other third-party discovery, except as otherwise ordered by the court.<sup>1</sup> Any further requests for an extension of the fact discovery deadline or any other amendments to the scheduling order shall be raised by formal request in this court upon a showing of good cause under Fed. R. Civ. P. 16(b)(4).

4. On or before January 5, 2023, the parties are directed to provide a copy of this Memorandum Order to counsel for the non-party witness J.L. and the United States District Court for the Central District of California, and shall file a Certificate of Service in this court

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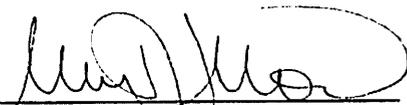
<sup>1</sup> In an oral order dated December 29, 2022, this court denied a request for relief regarding a third-party deposition that is scheduled for a hearing in a Canadian court on January 13, 2023. (D.I. 375)

confirming that the Memorandum Order has been distributed in accordance with this court's instructions.

5. Given that the court has relied upon material that technically remains under seal, the court is releasing this Memorandum Order under seal, pending review by the parties. In the unlikely event that the parties believe that certain material in this Memorandum Order should be redacted, the parties shall jointly submit a proposed redacted version by no later than **January 6, 2023**, for review by the court, along with a motion supported by a declaration that includes a clear, factually detailed explanation as to why disclosure of any proposed redacted material would "work a clearly defined and serious injury to the party seeking closure." *See In re Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 924 F.3d 662, 672 (3d Cir. 2019) (quoting *Miller v. Ind. Hosp.*, 16 F.3d 549, 551 (3d Cir. 1994) (internal quotation marks omitted)). If the parties do not file a proposed redacted version and corresponding motion, or if the court determines the motion lacks a meritorious basis, the documents will be unsealed within thirty (30) days of the date the Memorandum Order issued.

6. This Memorandum Order is filed pursuant to 28 U.S.C. § 636(b)(1)(A), Fed. R. Civ. P. 72(a), and D. Del. LR 72.1(a)(2). The parties may serve and file specific written objections within fourteen (14) days after being served with a copy of this Memorandum Order. Fed. R. Civ. P. 72(a). The objections and responses to the objections are limited to two (2) pages each.

7. The parties are directed to the court's Standing Order For Objections Filed Under Fed. R. Civ. P. 72, dated March 7, 2022, a copy of which is available on the court's website, [www.ded.uscourts.gov](http://www.ded.uscourts.gov).

  
Sherry R. Fallon  
United States Magistrate Judge