

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

|                   |   |                                 |
|-------------------|---|---------------------------------|
| EARIN AB,         | ) |                                 |
|                   | ) |                                 |
| Plaintiff,        | ) |                                 |
|                   | ) | Civil Action No. 24-275-RGA-SRF |
| v.                | ) |                                 |
|                   | ) | <b>REDACTED</b>                 |
| SKULLCANDY, INC., | ) |                                 |
|                   | ) |                                 |
| Defendant.        | ) |                                 |
| _____             | ) |                                 |

**MEMORANDUM ORDER**

At Wilmington this **28th** day of **September, 2026**, the court having considered the parties' discovery dispute letter submissions (D.I. 182; D.I. 183; D.I. 184), IT IS ORDERED that Skullcandy's motion to strike, raised in the pending joint motion for teleconference to resolve discovery disputes, (D.I. 125), is addressed as follows:

**1. Background.** Plaintiff Earin AB ("Earin") filed this patent infringement action on March 1, 2024, alleging that some of defendant Skullcandy, Inc.'s ("Skullcandy") wireless earbud products infringe U.S. Patent No. 9,402,120 ("the '120 patent"), which is directed to wireless earbuds and the storage and charging of such earbuds. (D.I. 1) The deadline for opening expert reports passed on March 13, 2026. (D.I. 92) On that date, Earin served: (1) the expert report of Benny Sällberg regarding Skullcandy's alleged infringement of the '120 patent; (2) the Rule 26(a)(2)(C) disclosure of non-retained expert Daniel Buri, which addressed a proposed reasonable royalty rate; and (3) the expert declaration of Michael J. Pellegrino on damages. (D.I. 97; D.I. 182, Ex. D; D.I. 183, Ex. A)

**2.** On March 18, 2026, the court issued an oral order granting-in-part Earin's motion for an extension of time to serve its opening damages expert report under Rule 26(a)(2)(B). (D.I.

100) Earin requested an extension until March 27, 2026. Finding that an extension of this duration would disrupt the balance of the case schedule, the court ordered Earin to serve the opening expert report on damages by March 20, 2026, limited to the opinions disclosed by Earin in Buri's Rule 26(a)(2)(C) disclosure and Pellegrino's sworn declaration served on March 13, 2026. (*Id.*) The court further extended the deadlines for Skullcandy's rebuttal and Earin's reply expert report on damages to April 20 and April 27, 2026, respectively. (*Id.*) Earin did not serve an opening expert report on damages on March 20, 2026.

3. Skullcandy served the rebuttal expert report of Clarke B. Nelson on April 20, 2026. (D.I. 108; D.I. 183, Ex. C) Nelson opined that Pellegrino and Buri's disclosures failed to provide a reliable economic basis for a royalty rate and did not connect a rate to an appropriate royalty base or apportion value to the claimed invention. (*Id.*; D.I. 182 at 1) Pellegrino served a reply expert report<sup>1</sup> on damages on April 27, 2026. (*Id.*, Ex. A; D.I. 117) Expert discovery closed on May 4, 2026, the same day that Pellegrino was deposed. (D.I. 92; D.I. 183, Ex. D) Following his deposition, Pellegrino served a supplemental declaration correcting the revenue base used in his original declaration served on March 13, 2026, resulting in a tripling of his original revenue forecast. (D.I. 183, Ex. E)

4. After the close of expert discovery in May of 2026, the case was briefly stayed while the parties engaged in settlement discussions. (D.I. 119; D.I. 121) On July 6, 2026, the parties reported that they were unable to reach agreement on the final terms of a settlement, and the stay was lifted the following day. (D.I. 123; D.I. 124) Thereafter, the parties stipulated to extend the

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<sup>1</sup> Earin refers to Pellegrino's reply report as a rebuttal report. (D.I. 183, Ex. B) Because Nelson's report is also titled as a rebuttal report and Pellegrino responds to Nelson's opinions in his April 27, 2026 report, the court refers to Pellegrino's April 27, 2026 report as a reply report for clarity. (*Id.*, Ex. C)

remaining dates in the scheduling order. (D.I. 127) Case dispositive motions were filed on August 4, 2026. A pretrial conference is set for February 27, 2027, and a jury trial is scheduled to begin on March 1, 2027. (D.I. 128)

**5. Legal standard.** Information that is not timely disclosed under Rule 26 may be excluded unless the failure to produce the information was substantially justified or harmless. Fed. R. Civ. P. 37(c)(1). However, “the exclusion of critical evidence is an ‘extreme’ sanction, not normally to be imposed absent a showing of willful deception or ‘flagrant disregard’ of a court order by the proponent of the evidence[.]” *Konstantopoulos v. Westvaco Corp.*, 112 F.3d 710, 719 (3d Cir. 1997) (citing *Meyers v. Pennypack Woods Home Ownership Ass’n*, 559 F.2d 894, 904-05 (3d Cir. 1977)). The court must balance the following factors in the exercise of its discretion: (1) the prejudice or surprise to the party against whom the evidence is offered; (2) the likelihood of curing the prejudice; (3) the potential disruption of an orderly and efficient trial; (4) the presence of bad faith or willfulness in failing to disclose the evidence; and (5) the importance of the information withheld. *Id.*

**6. Analysis.** Skullcandy moves to strike: (1) Pellegrino’s reply report, dated April 27, 2026; (2) Pellegrino’s supplemental declaration, dated May 4, 2026; and (3) Section IV and related portions of the reply expert report of Benny Sällberg on infringement, dated April 21, 2026. (D.I. 182) According to Skullcandy, these disclosures contain new opinions that should have been disclosed earlier in expert discovery, and they go beyond responding to the opinions of Skullcandy’s experts. (*Id.*) Earin maintains that the challenged opinions are directly responsive to opinions expressed in the reports of Skullcandy’s experts and therefore should not be stricken as untimely. (D.I. 183)

7. *Skullcandy's motion to strike Michael Pellegrino's reply report, dated April 27, 2026, is DENIED without prejudice.* Skullcandy contends that Pellegrino's April 27, 2026 reply report should be stricken as untimely because it introduces several new opinions on damages that should have been included in an opening expert report and do not "reply" to the opinions expressed in Nelson's rebuttal report. (D.I. 182 at 2-3) Earin responds that Pellegrino's reply properly responds to opinions raised in Nelson's rebuttal report, noting that Skullcandy questioned Pellegrino about his reply report during his deposition on May 4, 2026. (D.I. 183 at 1-2)

8. The challenged portions of Pellegrino's reply report are responsive to Nelson's rebuttal report and/or fall within the scope of opinions offered in Pellegrino's original declaration,<sup>2</sup> as set forth in the chart below:

| Nelson's Rebuttal Report (D.I. 183, Ex. C)                                                                                                                                                                                                                                                                                                                                                                                 | Pellegrino's 4/27/26 Reply Report (D.I. 182, Ex. A)                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Historical Revenue Base:</u> <sup>3</sup> Nelson notes that Pellegrino identifies certain revenue figures and projections without providing a specific methodology to support a complete damages analysis. Accordingly, Nelson contends Pellegrino offers no reliable economic basis to support a reasonable royalty rate or an appropriate royalty base. (D.I. 183, Ex. C at ¶¶ 14, 18-24, 124) However, Schedule 3 of | <u>Historical Revenue Base:</u> In reply, Pellegrino offers a [REDACTED] historical patent damages base total, consistent with both his original declaration and Nelson's rebuttal report. (D.I. 182, Ex. A at ¶¶ 73-76) Pellegrino's reply explains the source and method of his calculation and forecasting approach and confirms that he uses the same methodology employed by Nelson in |

<sup>2</sup> In a footnote, Skullcandy discusses a case from the Western District of Texas where Pellegrino appeared as a damages expert. (D.I. 182 at 3 n.1) (citing *Daedalus Blue LLC v. SZ DJI Tech. Co., Ltd.*, 2022 WL 831619 (W.D. Tex. Feb. 24, 2022)). There, Pellegrino performed a hypothetical negotiation analysis in his opening expert report and realized only upon his receipt of the rebuttal report that he had performed the analysis with the wrong parties. Pellegrino served a second expert report to correct the error one day before his deposition and the close of expert discovery. The court granted the opposing party's motion to strike Pellegrino's second expert report for failure to timely disclose the opinions. *Daedalus Blue*, 2022 WL 831619, at \*2. Although Skullcandy cites this case in its discussion of Pellegrino's reply report, the case appears to be more analogous to consideration of Pellegrino's supplemental declaration.

<sup>3</sup> Skullcandy lists the historical revenue base as the first "new opinion" in Pellegrino's reply report. (D.I. 182 at 3)

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| Nelson's rebuttal report arrives at the same historical revenue base that Pellegrino reaches in both his original declaration and his April 27 reply report. (D.I. 182, Ex. A at ¶¶ 73-76)                                                                                                                                    | Schedule 3 of Nelson's rebuttal report, using source data from SKDY000675 ("675 Workbook") to inform the analysis. ( <i>Id.</i> , Ex. B at ¶¶ 73-88)                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>Future Revenue Base:</u> <sup>4</sup> Nelson does not directly address Pellegrino's future revenue base calculation.                                                                                                                                                                                                       | <u>Future Revenue Base:</u> Pellegrino's reply report calculates forecast future revenues at [REDACTED], consistent with the forecast in Pellegrino's original declaration using the Fisher-Pry adoption curve. (D.I. 183, Ex. A at ¶¶ 12-14; Ex. B at ¶¶ 73, 80) Pellegrino's reply report is therefore consistent with the opinions and analysis in his original declaration.                                                                                                                                                           |
| <u>Apportionment:</u> <sup>5</sup> Nelson criticizes Buri's expert deposition testimony on apportionment, stating that Buri does not apportion the realizable profit credited to the invention versus the value of non-patented elements. (D.I. 183, Ex. C at ¶¶ 99-100)                                                      | <u>Apportionment:</u> Pellegrino responds to Nelson's criticism of Buri's testimony, arguing that Nelson's approach double-counts apportionment. (D.I. 183, Ex. B at ¶¶ 40-43, 98-101) Pellegrino also discussed built-in apportionment and the risks of double-counting apportionment in his original declaration. ( <i>Id.</i> , Ex. A at ¶¶ 16-17) Pellegrino does not offer an independent apportionment analysis, and his reply report does not change Earin's apportionment position. (D.I. 183, Ex. D at 42:25-44:17, 75:11-79:25) |
| <u>Licensing Comparisons:</u> <sup>6</sup> Nelson contends that Earin failed to compare any of its historical license agreements that included the '120 patent to the circumstances of this case, but if it had, it would find those agreements do not support the 8% royalty asserted by Buri. (D.I. 183, Ex. C at ¶¶ 72-78) | <u>Licensing Comparisons:</u> Pellegrino responds to Nelson's report by raising the [REDACTED] e [REDACTED], which was executed even though [REDACTED] was not selling products in the market. (D.I. 182, Ex. A at ¶¶ 82, 89-93) Pellegrino used this reference to demonstrate the selective nature of Nelson's analysis. ( <i>Id.</i> )                                                                                                                                                                                                  |
| <u>Georgia-Pacific / Hypothetical Negotiations:</u> <sup>7</sup> Nelson notes that Pellegrino's original declaration does not analyze the <i>Georgia-</i>                                                                                                                                                                     | <u>Georgia-Pacific / Hypothetical Negotiations:</u> Pellegrino cites Nelson's failure to consider the Cambridge Audio license in analyzing the                                                                                                                                                                                                                                                                                                                                                                                            |

<sup>4</sup> The future revenue base covers the first and sixth items in Skullcandy's list of new opinions in Pellegrino's reply report. (D.I. 182 at 3)

<sup>5</sup> Apportionment is the second item in Skullcandy's list of new opinions in Pellegrino's reply report. (*Id.*)

<sup>6</sup> License comparisons cover the fourth item in Skullcandy's list of new opinions in Pellegrino's reply report. (*Id.*)

<sup>7</sup> The *Georgia-Pacific* analysis and hypothetical negotiations cover the fifth item in Skullcandy's list of new opinions in Pellegrino's reply report. (*Id.*)

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| <i>Pacific</i> factors or the results of a hypothetical negotiation. (D.I. 183, Ex. C at ¶¶ 12, 24)                                                                                                                                                                                                  | results of a hypothetical negotiation, and he stresses that the <i>Georgia-Pacific</i> factors are permissive and not required. (D.I. 183, Ex. B at ¶¶ 82, 94-97)                                                                                  |
| <u>Reliability / Permissible Data:</u> <sup>8</sup> Nelson opined that he could not rebut Earin’s damages analysis because Earin offered no complete or methodologically supported damages analysis in Pellegrino’s original declaration or Buri’s disclosure. (D.I. 183, Ex. C at ¶¶ 18-25, 90, 99) | <u>Reliability / Permissible Data:</u> Pellegrino responds to Nelson’s report by stressing that he is not required to verify the data underlying his opinion and justifying the methods used in his analysis. (D.I. 182, Ex. A at ¶¶ 44-50, 67-79) |

9. Even if the court were to determine that portions of Pellegrino’s reply report introduced new opinions in violation of Rule 26(a)(2)(B), the foregoing chart establishes that, on balance, the *Pennypack* factors weigh against striking the reply report. Some examples, such as the historical revenue base, show that Nelson had a comprehensive understanding of Pellegrino’s opinion and method when he formed his rebuttal opinions. (D.I. 182, Ex. A at ¶¶ 73-76) As a result, Skullcandy cannot establish prejudice resulting from Pellegrino’s reiteration of the historical revenue base in his reply report. To the extent that Pellegrino expanded some of his opinions in his reply report or responded to issues raised for the first time in Nelson’s rebuttal report, the transcript from Pellegrino’s deposition indicates that any prejudice has been cured. (See, e.g., D.I. 183, Ex. D at 43:7-44:10, 66:1-68:4) (Pellegrino explaining that Buri applied built-in apportionment in his disclosure and defending Buri’s analysis against Nelson’s criticism, without conducting his own apportionment analysis). Skullcandy’s objections go to the reliability of Pellegrino’s reply report, as opposed to the timing of his disclosures.

10. Skullcandy argues that the third *Pennypack* factor weighs in favor of striking Pellegrino’s reply report because it cannot fully or fairly respond to the reply report within the existing case schedule. (D.I. 182 at 4) But Skullcandy does not identify what additional fact or

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<sup>8</sup> The reliability, admissibility, and/or permissibility of data and opinions is covered by the third, seventh, and eighth items in Skullcandy’s list of new opinions in Pellegrino’s reply report. (*Id.*)

expert discovery is required or how much time would be needed to obtain any additional discovery to fully respond to Pellegrino's reply report. With respect to the remaining *Pennypack* factors, the presence of bad faith or willfulness in failing to disclose the evidence and the importance of the information withheld, Skullcandy offers no substantive argument. On balance, the *Pennypack* factors do not weigh in favor of striking Pellegrino's reply report.

**11. Skullcandy's motion to strike Michael Pellegrino's supplemental declaration, dated May 4, 2026, is DENIED without prejudice.** Skullcandy moves to strike Pellegrino's supplemental declaration, which was served to correct numerical errors in the forecast base he used in his original declaration and reply report. (D.I. 182 at 3; Ex. B) Pellegrino realized his error after reviewing Buri's April 9, 2026 deposition testimony. (*Id.*, Ex. B at ¶ 5; D.I. 183, Ex. D at 120:11-25) Because Pellegrino did not review Buri's deposition transcript until after he served his reply report on April 27, 2026, Pellegrino's reply report contains the same errors in the future revenue base that were included in his original declaration. (D.I. 182, Ex. A at ¶ 80) Moreover, Pellegrino confirmed during his deposition that "[a]ll the financial information that went into the revenue projections was available to [him] before . . . the March 13 declaration.[.]" (D.I. 183, Ex. D at 123:9-15) There is no dispute that Skullcandy had not been served with Pellegrino's supplemental declaration at the time of Pellegrino's deposition on May 4, 2026.<sup>9</sup> (D.I. 182 at 3; D.I. 183 at 2)

**12.** Earin maintains that service of Pellegrino's supplemental declaration is proper under Rule 26(e), which requires a party to supplement or correct disclosures made under Rule 26(a) "in a timely manner if the parties learn that in some material respect the disclosure or response is

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<sup>9</sup> Pellegrino's supplemental declaration is undated, and there is no notice of service on the docket indicating when it was served.

incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing[.]” Fed. R. Civ. P. 26(e)(1)(A). But “supplementation is proper only for the narrow purpose of correcting inaccuracies or adding information that was not available” at the time of the original disclosure. *Dandy v. Ethicon Women’s Health & Urology*, 579 F. Supp. 3d 625, 629 (D.N.J. 2022). In this instance, Pellegrino’s supplementation was not made in a timely manner under Rule 26(e) because Pellegrino admits that he was in possession of the underlying financial information when his original declaration was served on March 13, 2026, and Buri was deposed more than two weeks before Pellegrino served the reply report requiring supplementation. *See Kimmel v. Mass. Bay Ins. Co.*, 2023 WL 8714336, at \*6 (D.N.J. Dec. 15, 2023) (“A party cannot use Rule 26(e) to supplement a report with information available at the time [he] served the initial report.”); *Daedalus Blue*, 2022 WL 831619, at \*2 (“Supplemental disclosures are only permissible as a means of correcting inaccuracies or filling the interstices of an incomplete report based on information *that was not available at the time of the initial disclosure.*” (internal quotations and citations omitted; emphasis in original)).

13. The failure to timely provide information under Rule 26 triggers consideration of whether “the failure was substantially justified or is harmless” under Rule 37(c)(1). Fed. R. Civ. P. 37(c)(1); *see Minella v. Electron Microscopy Scis.*, 2025 WL 2533605, at \*5-6 (D.N.J. Sept. 3, 2025); *Daedalus Blue*, 2022 WL 831619, at \*2-3. Skullcandy argues that the untimely disclosure is prejudicial because it “could not test the revised projection through discovery, depose Mr. Pellegrino, evaluate the materials relied on, or have its damages expert respond.” (D.I. 182 at 3-4) Skullcandy’s position fails to acknowledge that Pellegrino testified about the revised projection during his deposition in response to Skullcandy’s questions, and Pellegrino

confirmed that the revised projection rested on financial information found in the '675 workbook.<sup>10</sup> (D.I. 183, Ex. D at 120:11-123:18) Because Skullcandy questioned Pellegrino during his deposition about the increase in the projected revenue base, the underlying error, and the source data, Earin maintains that the untimely disclosure was harmless. (*Id.* at 2)

14. On balance, the *Pennypack* factors weigh against striking Pellegrino's supplemental declaration because the untimely disclosure was harmless. Although Skullcandy alludes to fact discovery and responsive expert opinions, Skullcandy does not request any alternative relief that suggests an intent to pursue such discovery if the motion to strike the supplemental declaration is denied. Thus, the prejudice and cure factors weigh against the harsh sanction of striking Pellegrino's supplemental declaration. *See Minella*, 2025 WL 2533605, at \*6-7 (denying a motion to strike under *Pennypack* where it was not clear the untimely disclosure would necessitate additional discovery). Skullcandy does not identify how a failure to preclude the supplemental declaration would disrupt the case schedule and does not meaningfully address the

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<sup>10</sup> During his deposition on May 4, 2026, Pellegrino testified as follows:

A. So same chart, basically, slightly different numbers. And so you'll see the numbers are larger. They go from [REDACTED] at a peak to about [REDACTED] at a peak. And the reason is, we were aligning the base of Mr. Buri's testimony to what I had actually done, and that was not in the first number that I did. So as I mentioned earlier, if you're going to use a rate with built-in apportionment, you have to make sure the bases match. So that's what I came to understand when we were producing the supplement. The bases didn't match, and that's why I produced the -- the supplemental declaration.

Q. All the information about the base was available to you before you produced your declaration; is that right?

A. Yes. But I didn't have the -- the complete appreciation for Mr. Buri, his declaration -- or his statement, rather, until the deposition transcript, which obviously didn't exist when I produced the March declaration.

(D.I. 183, Ex. D at 120:12-121:8)

remaining factors pertaining to bad faith / willfulness or the importance of the corrected numbers in the broader context of the case.

**15. Skullcandy's motion to strike Section IV of Dr. Benny Sällberg's reply expert report on infringement, dated April 21, 2026, is DENIED without prejudice.** Skullcandy moves to strike a section of Dr. Sällberg's reply report on infringement because it introduces a technical analysis of the comparability of certain licenses to the technology at issue in response to Nelson's rebuttal report on damages. (D.I. 182 at 4) As Earin states, however, it is "standard practice in patent litigation" for the technical expert to weigh in on technical comparability between licenses "because that is within their area of expertise, rather than the damages expert's area of expertise." (D.I. 183 at 3); *see Wisconsin Alumni Res. Foundation v. Apple, Inc.*, 135 F. Supp. 3d 865, 885-86 (W.D. Wis. 2015) ("[I]t is common for pure damages experts to rely on technical experts in their analysis" of comparable patent licenses). A review of Dr. Sällberg's reply report confirms that his opinions are limited to the technical comparability of the licenses, and he does not perform a damages analysis. (D.I. 182, Ex. C at ¶¶ 51-97) Thus, Skullcandy's suggestion that Sällberg's reply report "introduce[s] a damages-related analysis through a technical reply report" is not persuasive. (D.I. 182 at 4)

**16.** Skullcandy also objects to Sällberg's technical comparability analysis because it does not respond to positions taken in the non-infringement report of Skullcandy's technical report. (D.I. 182 at 4) However, Skullcandy does not dispute that Nelson disclosed the license agreements for the first time in his rebuttal report on damages. Sällberg's technical analysis of the license agreements is clearly intended to counter Nelson's opinion that the license agreements should inform the hypothetical negotiation by showing that the technology covered by those license agreements is dissimilar. (D.I. 183, Ex. C at ¶¶ 57-71) Rule 26(a)(2)(D)(ii)

permits a party to file an expert rebuttal report “if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C),” and federal courts have construed the phrase “same subject matter” broadly. Fed. R. Civ. P. 26(a)(2)(D)(ii); see *T.N. Inc., Ltd. v. Fidelity Nat’l Info. Servs., Inc.*, 2021 WL 5980048, at \*14 (E.D. Pa. Dec. 17, 2021). Nothing in Rule 26(a)(2)(D)(ii) prohibits a technical expert from providing a technical response to opinions raised by a damages expert, and Skullcandy cites no case authority to suggest otherwise. Consequently, Section IV of Sällberg’s reply report does not exceed the bounds of a proper reply report.

17. The parties offer no analysis of the *Pennypack* factors in the context of Sällberg’s reply report. Having determined that Sällberg’s reply report does not introduce new opinions in violation of Rule 26(a)(2)(B), the court need not undertake an independent analysis of the *Pennypack* factors.

**18. Conclusion.** For the foregoing reasons, IT IS ORDERED that:

- a. Skullcandy’s motion to strike Michael Pellegrino’s reply report, dated April 27, 2026, is DENIED without prejudice;
- b. Skullcandy’s motion to strike Michael Pellegrino’s supplemental declaration, dated May 4, 2026, is DENIED without prejudice; and
- c. Skullcandy’s motion to strike Section IV of Dr. Benny Sällberg’s reply expert report on infringement, dated April 21, 2026, is DENIED without prejudice.

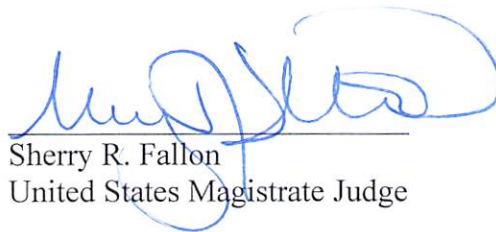
IT IS FURTHER ORDERED that the discovery dispute teleconference set for September 29, 2026 at 2:00 p.m. is CANCELLED.

19. 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 **October 5, 2026**, 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 fourteen (14) days of the date the Memorandum Order issued.

**20.** 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 four (4) pages each.

**21.** 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