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Judge Alsup Declines to Impose Sanctions for Alleged Discovery Misconduct

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The case began when Sentegra filed an infringement action against Asus Computer International (ACI) in the Southern District of New York. ACI moved to dismiss for improper venue or to transfer to the Northern District of California. Presiding Judge Woods declined to grant a stay of discovery while the motion was pending, but counsel for the parties did agree to an adjournment of all discovery-related deadlines by a letter agreement dated October 2015.

The controversy at the heart of the present order started in March 2016 when Sentegra's counsel requested an extension of the fact discovery cutoff. ACI neither joined nor opposed the motion, and it added language to the request to the same effect. Judge Woods granted Sentegra's motion to extend the cutoff, and immediately afterwards, Sentegra served 58 requests for production and five interrogatories upon ACI. After Judge Woods granted the motion to transfer the case to the Northern District of California, Sentegra voluntarily dismissed the suit. ACI's counsel then alleged that Sentegra's conduct violated their agreement and sought sanctions.

Judge Alsup noted that, "[i]f ACI had wanted to nail down a firm agreement to postpone discovery, it should have expressly insisted on a clear-cut agreement instead of trying to keep its options open and have it both ways. . . . It is now too slick by half for [ACI's counsel] to re-characterize this record as an agreement when, in fact, he himself studiously avoided committing to any such agreement." And, although ACI also sought sanctions on alternate grounds–that Sentegra brought a baseless lawsuit and did so in an inconvenient venue–the court similarly found nothing in Sentegra's counsel's conduct that warranted sanctions.

Sentegra, LLC v. Asus Computer International, 3-16-cv-03136 (N.D. Cal. December 29, 2016).

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