

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

WRIGHT MEDICAL)
TECHNOLOGY, INC.,)
Plaintiff,)
)
v.) C. A. No.: 06C-09-016-CLS
)
ZIMMER HOLDINGS, INC.,)
ZIMMER, INC., AND ZIMMER)
US, INC.,)
Defendants.)

Submitted: September 25, 2007

Decided: January 29, 2008

*Upon Consideration of Plaintiff's Motion to Compel:
GRANTED, in part.*

MEMORANDUM OPINION

Matt Neiderman, Esquire, of Duane Morris, Wilmington, Delaware
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Attorneys for Defendant.

Scott, J.

Introduction

The Court is asked to compel defendant to produce documents in this suit between business competitors. The Court reviewed the documents *in camera* and determines that several of the documents should be produced.

Background

Plaintiff alleges: (1) tortious interference with contractual relations, (2) unfair competition, and (3) misappropriation of trade secrets. During discovery, defendant provided documents responsive to plaintiff's request for production, but redacted portions of those documents on grounds of relevance. Plaintiff maintains that these documents are indeed discoverable.

Discussion

Superior Court Civil Rule 26(b) states that, "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action . . . It is not ground for objection that the information sought will be inadmissible at trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Production of documents is encouraged, unless privilege is shown.¹ In reviewing the documents, the Court was mindful of the claims and the fact that the parties are business competitors. The Court

¹ *Davis v. Town of Georgetown*, 2001 WL 541471 (Del. Super.) citing *Papen v. Suburban Propane Gas Corp.*, 229 A.2d 567 (Del. Super. 1967).

notes that, in its *in camera* review, the very first page contained a reference to Wright Medical representatives whose names and information had been redacted on grounds of relevance, this material is relevant and discoverable.

The documents which must be produced are:

- Z000594
- Z001027
- Z001734
- Z001844
- Z002141
- Z002266
- Z002282
- Z002283

Conclusion

Defendant is ordered to produce the above-identified documents to plaintiff.

IT IS SO ORDERED.

/s/ Calvin L. Scott, Jr.
Judge Calvin L. Scott, Jr.