UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR COMPANY,

Plaintiff,

v.

VERSATA SOFTWARE, INC. *et al.*

Defendants.
_____/

Case No. 15-cv-10628
(*consolidated with Case No. 15-11624*)
Hon. Matthew F. Leitman

ORDER (1) SUSTAINING IN PART AND OVERRULING IN PART VERSATA'S OBJECTIONS TO REPORT AND RECOMMENDATION OF THE SPECIAL MASTER TO DENY VERSATA'S MOTION TO COMPEL ANNUAL PERFORMANCE REVIEWS (ECF #298) AND (2) ADOPTING IN PART THE REPORT AND RECOMMENATION (ECF #297) AS THE ORDER OF THE COURT

In this action, Versata Software Inc. and other related Defendants (collectively, "Versata") allege that Ford Motor Company infringed certain patents and misappropriated certain trade secrets. During discovery, Versata asked Ford to produce annual performance reviews for a number of Ford employees. Ford objected to producing the requested documents.

The Court referred the discovery dispute to attorney Lawrence D. Graham. The Court previously entered an order appointing Mr. Graham to serve as a Special Master for resolving discovery disputes (the "Appointment Order"). (*See* ECF #230.) Pursuant to the protocol established in the Appointment Order, Mr. Graham issued a Report and Recommendation in which he recommended that the Court deny Versata's motion to compel Ford to produce the performance reviews (the "R&R"). (*See* ECF #297.) Versata

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

has filed objections to that recommendation (*see* ECF #298) and Ford has filed a response (*see* ECF #303).

On September 6, 2017, the Court held an on-the-record telephonic status conference with counsel for both Ford and Versata to discuss the R&R and Versata's objections. For the reasons stated on the record during that status conference, **IT IS HEREBY ORDERED** that Versata's objections are **SUSTAINED IN PART AND OVERRULED IN PART** and the R&R is **ADOPTED IN PART** as follows:

Within fourteen (14) days of this Order, Ford shall produce to Versata the performance reviews for the employees identified on page two of Versata's letter brief to Mr. Graham (*see* ECF #297-1 at Pg. ID 15035), for the years identified on that page. Ford may redact all information in the performance reviews **except** for: (1) the employee's name, (2) the year of the performance review, and (3) any references to cost savings related to the following programs: ACM, MCA, and PDO-R1.[1] For the time being, the Court postpones consideration of whether Ford must un-redact any references to the program PDO-R2.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 7, 2017

[1] To the extent that the performance reviews refer to cost savings from the PDO-R1 program by using a different name or acronym to describe PDO-R1, Ford shall not redact those references when producing the performance reviews to Versata.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 7, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764