

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>M3 GIRL DESIGNS, LLC</b>	§	
<i>Plaintiff,</i>	§	
	§	
<b>v.</b>	§	<b>CIVIL ACTION NO. 3-09CV2390-F</b>
	§	
<b>BLUE BROWNIES, LLC</b>	§	
<b>KRISTA DUDTE, ROBERT DUDTE,</b>	§	
<b>and SHANNON DUNN</b>	§	
<i>Defendants.</i>	§	

**DEFENDANTS’ SECOND MOTION TO COMPEL AND  
SECOND MOTION FOR SANCTIONS UNDER RULE 37**

Defendants Blue Brownies, LLC (“Blue Brownies”) and Krista Dudte and Robert Dudte (collectively “Defendants”) file this motion to compel Plaintiff M3 Girl Designs, LLC (“M3 Girl”) to produce its email correspondence and QuickBooks database in native electronic form pursuant to FRCP 37 and FRCP 34, and to answer Interrogatories completely, and for sanctions pursuant to FRCP 37.

This motion is based on the attached Brief in Support, the attached Appendix, and all pleadings and papers on file. These materials are hereby incorporated by reference into this motion as if fully set forth herein.

**SUMMARY**

The Court should order Plaintiff to produce documents, answer interrogatories and revise its discovery responses giving general objections, and the Court should sanction Plaintiff under Rule 37.

Dated: July 7, 2011

Respectfully submitted,

Charles W. Hanor  
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By \_\_\_\_\_

Charles W. Hanor  
Texas Bar No. 08928800

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

Per Fed.R.Civ.P. 5(b), I certify that on the 7<sup>th</sup> day of July, 2011, I electronically filed per Local Rule 5.1(d) of the Northern District of Texas the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

D. Scott Hemingway  
Eugenia S. Hansen  
Hemingway & Hansen, L.L.P.  
1717 Main Street, Suite 2500  
Dallas, TX 75201  
Counsel for Plaintiff



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**Charles W. Hanor**

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<b>and SHANNON DUNN</b>	§	
<i>Defendants.</i>	§	

**(Proposed) Order Granting Defendant’s Second Motion to Compel**

The Court, having given full consideration to *Defendants’ Second Motion to Compel and Second Motion for Sanctions Under Rule 37*, hereby GRANTS the motion in question as follows:

- A. Plaintiffs are ordered to produce all of the relevant documents in native digital format including emails, financial records, and photographs within 7 days of the date of this order;
- B. The Court hereby denies the objections Plaintiff’s made to the requested discovery;
- C. Plaintiffs are ordered to provide complete and proper answers to the interrogatories within 7 days;
- D. Plaintiffs are ordered to produce the documents it has withheld within 7 days;
- E. Defendants are hereby awarded sanctions against Plaintiff for its discovery violations, including attorney’s fees in an amount to be determined.

It is SO ORDERED.

Signed this \_ day of \_\_\_\_\_, 2011.

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U.S. DISTRICT COURT JUDGE