

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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MEDTRONIC SOFAMOR DANEK, INC., )

Plaintiff, )

v. )

GARY KARLIN MICHELSON, M.D., and )  
KARLIN TECHNOLOGY, INC., )

Defendants. )

Civil Action No. 01-2373 GV

ROBERT J. ...  
CLERK OF THE DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER AFFIRMING MAGISTRATE JUDGE'S ORDER OF JANUARY 31, 2002, AND ORDER DENYING AS MOOT PLAINTIFF'S MOTION TO REFER MOTION FOR RECONSIDERATION TO MAGISTRATE JUDGE**

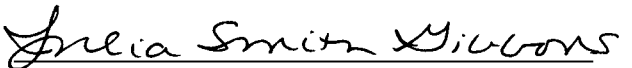
On January 31, 2002, Magistrate Judge Diane Vescovo entered a Protective Order in this cause. Thereafter, Plaintiff appealed the Magistrate Judge's ruling to this Court, which this Court affirmed in an Order dated May 28, 2002. On June 11, 2002 Plaintiff filed a Motion for Reconsideration of Order Affirming Magistrate Judge's Order of January 31, 2002, or in the Alternative to Amend Order Pursuant to 28 U.S.C. § 1292(b), and for Stay of Related Discovery Pending Disposition. Based upon comments made by the Court at Status Conferences on February 21, 2002 and July 25, 2002, Plaintiff filed a Motion to Refer its Motion for Reconsideration to the Magistrate Judge.

The Court has reconsidered and discussed with the parties at length the issues concerning the Protective Order, which the Court finds should be amended in certain respects. In all other respects, Plaintiff's Motion for Reconsideration should be denied as moot.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration is granted in part and denied in part. The Protective Order previously entered in this cause shall be amended in part, with an Amended Protective Order to be issued separately. Plaintiff's alternative requests

to amend the Court's May 28, 2002 Order Pursuant to 28 U.S.C. § 1292(b), and for Stay of Related Discovery Pending Disposition are hereby denied as moot.

IT IS FURTHER ORDERED that Plaintiff's Motion to Refer Plaintiff's Motion for Reconsideration to the Magistrate Judge shall be and is hereby denied as moot.

  
JUDGE JULIA S. GIBBONS  
UNITED STATES CIRCUIT COURT JUDGE  
sitting by designation

Date: October 11, 2002



## Notice of Distribution

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165 Madison Avenue  
20th floor  
Memphis, TN 38103

Bradley E. Trammell  
BAKER DONELSON BEARMAN & CALDWELL  
First Tennessee Bank  
165 Madison Avenue  
20th floor  
Memphis, TN 38103

Jack Q. Lever  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Melvin White  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Michael D. Switzer  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

William Hagedorn  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Michael D Switzer  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Ronald J. Pabis  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Melvin White  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Raphael V Lupo  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Jack Q Lever  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Ronald J. Pabis  
MCDERMOTT WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005

Jay S. Bowen  
BOWEN RILEY WARNOCK & JACOBSON  
1906 West End Ave.  
Nashville, TN 37203

Taylor Cates  
BOWEN RILEY WARNOCK & JACOBSON  
1906 West End Ave.  
Nashville, TN 37203

Stanley M. Gibson  
JEFFER MANGELS BUTLER & MARMARO LLP  
1900 Avenue of the Stars  
7th Floor  
Los Angeles, CA 90067

Dan P. Sedor  
JEFFER MANGELS BUTLER & MARMARO LLP  
1900 Avenue of the Stars  
7th Floor  
Los Angeles, CA 90067

Marc Marmaro  
JEFFER MANGELS BUTLER & MARMARO LLP  
1900 Avenue of the Stars  
7th Floor  
Los Angeles, CA 90067

Walker A. Matthews  
KIRKLAND & ELLIS  
777 S. Figueroa St.  
Los Angeles, CA 90017

Robert G. Krupka  
KIRKLAND & ELLIS  
777 S. Figueroa St.  
Los Angeles, CA 90017

Boaz M. Brickman  
KIRKLAND & ELLIS  
777 S. Figueroa St.  
Los Angeles, CA 90017

Patricia Cirucci  
KIRKLAND & ELLIS  
777 S. Figueroa St.  
Los Angeles, CA 90017

Marc H Cohen  
KIRKLAND & ELLIS  
777 S. Figueroa St.  
Los Angeles, CA 90017

Diane Vescovo  
OFFICE OF MAGISTRATE JUDGE DIANE K. VESCOVO  
167 N. Main St., Room 341  
Memphis, TN 38103

Honorable Julia Gibbons  
US DISTRICT COURT