

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

CITY OF GREENVILLE, ILLINOIS, et al., )

Plaintiffs, )

vs. )

SYNGENTA CROP PROTECTION, INC., )  
et al., )

Defendants. )

Case No.: 10-cv-188-JPG-PMF

ORDER

**FRAZIER, Magistrate Judge:**

Before the Court is defendant Syngenta AG’s motion for a protective order (Doc. No. 284). In this motion, Syngenta AG seeks protection from:

- (1). A request for documents served pursuant to Rule 34 of the Federal Rules of Civil Procedure on December 15, 2011, and
- (2). Correspondence regarding witness depositions, sent by plaintiffs’ counsel on December 16, 2011.

For good cause shown, and following an effort to resolve the dispute without court action, a protective order will be entered when justice requires to protect a person subject to discovery from annoyance, embarrassment, oppression, or undue burden or expense. Fed. R. Civ. P. 26(c).

The Court has reviewed the items submitted and finds that a protective order would be premature. Most of the items submitted predate the discovery requests at issue and are not helpful. Other items clearly pertain to discovery requests directed to Syngenta Crop Protection, Inc., a different entity. Regarding the Rule 34 request, Syngenta AG’s current obligation is to prepare and serve a written response. Syngenta AG’s concerns that production of some of the materials requested might violate provisions of the Swiss Penal Code and/or the Swiss Federal Act on Data Protection may be

expressed in the written response as a reason for a specific objection. Fed. R. Civ. P. 34(b)(2).<sup>1</sup> At this time, the materials fail to demonstrate that Syngenta AG is currently subject to annoyance, embarrassment, oppression, or undue burden or expense.

With respect to the informal correspondence regarding witness depositions, the Court finds nothing in the letter sent on December 16, 2011, creating annoyance, embarrassment, oppression, or undue burden or expense for Syngenta AG.

For these reasons, the motion for a protective order (Doc. No. 284) is DENIED without prejudice, as premature.

**IT IS SO ORDERED.**

**DATED: February 13, 2012.**

**S/ Philip M. Frazier**  
**PHILIP M. FRAZIER**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> The materials submitted in support of the request do not include a written response to the request or objections served by Syngenta AG.