

[illegible]

This matter is before the Court on Papst's motion to strike Minebea's designations of the Hague Examination testimony and trial exhibits. Specifically, Papst requests that the Court strike Minebea's trial testimony and trial exhibit submissions served on July 12, 2005 and the highlighted designations served on July 14, 2005, relating to the German witnesses.

When Papst raised this issue on July 13, 2005 – prior to the submission of the highlighted designations – the Court indicated that it would read the entire Hague Convention transcripts and the associated exhibits, rather than accept specific designations from the parties. See July 13, 2005 Transcript at 14. Minebea proceeded to file highlighted excerpts from the Hague Convention proceedings anyway. The Court understands that one of the summaries provided – that of Mr. Heinrich Cap – is the official transcript from the German court and has a properly certified English translation. The testimony provided for the remainder of the witnesses is the unofficial English verbatim transcript. Papst does not indicate who prepared the unofficial English verbatim transcript, but Papst argues that Minebea should be ordered to provide both the

official and unofficial transcripts for the Court's review.

Because the Court has already stated that it will read all of the Hague Convention proceeding transcripts, Papst's motion to strike Minebea's designations and exhibits will be granted.<sup>1</sup> The parties shall jointly submit the Hague Convention testimony for each of the proffered witnesses along with the exhibits used during the Hague Convention proceedings and the Court will – as it has already indicated – read the entire proceeding. The Court agrees with Papst that no exhibits should be provided with these transcripts outside of those used during the Hague Convention proceedings.

The question remains which of the transcripts – the official transcripts from the German courts or the unofficial English verbatim transcript – should be admitted. Papst argues that Minebea should have to produce the official transcripts and certified English translations from the Hague Convention proceedings for these witnesses. The Court agrees and recollects having stated as much previously in open court. Papst also argues that Minebea should produce the unofficial verbatim transcripts with certification and translations for the Court's perusal. Because Papst does not object to the submission of both the official and unofficial transcripts, the Court will accept both.

Accordingly it is hereby

ORDERED that Papst's motion to strike Minebea's designations of the Hague examination testimony and trial exhibits [1412] is GRANTED; it is

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<sup>1</sup> Papst also argues that Minebea chose to release five of the witnesses and that Minebea should not now be permitted to designate and introduce exhibits outside of those used in the Hague Convention proceedings when Minebea has declined to call the five witnesses that Papst was able to make available. Because the Court has already stated that it will read all of the transcripts and will not accept highlighted designations, this argument is now moot.

FURTHER ORDERED that the binders provided by Minebea for the German witnesses containing Hague Convention proceeding highlights and exhibits are STRICKEN from the record. Minebea shall pick up the boxes containing these binders; and it is

FURTHER ORDERED that the parties shall submit jointly binders containing the official transcripts from the German courts and the unofficial verbatim transcripts. Both shall be certified English translations. The exhibits used in each Hague Convention proceeding shall also be included in these – or supplemental – binders. Should the parties agree that for any given witness the parties wish only to submit either the official or unofficial transcript, they may do so.

SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: July 20, 2005