

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Brook + Whittle LTD,

Plaintiff,

v.

Nestlé USA, Inc., Fuji Seal International, Inc.,

Defendants.

CASE NO. 2:24-CV-00735-JRG-RSP

JURY TRIAL DEMANDED

**PLAINTIFF’S UNOPPOSED MOTION TO WITHDRAW PLAINTIFF’S
MOTION TO COMPEL (DKT. 64)**

Plaintiff Brook + Whittle LTD (“B+W”) submits this unopposed motion to withdraw its Motion to Compel Defendants’ E-Discovery Depositions (“Motion to Compel”) (Dkt. 64) without prejudice. After the parties filed their Joint Status Report (Dkt. 67), they resolved the dispute underlying the motion to compel without Court intervention, including because Defendants agreed to make witnesses (of both Defendants) available for ESI depositions:

- Nestlé USA, Inc.
 - Mr. Doug Keaton, on May 29, 2025, near Cleveland, Ohio or remotely.
- Fuji Seal International, Inc.
 - Mr. Steve Hazle, on June 4, 2025, remotely; and
 - Ms. Izumi Hongo and Mr. Masayuki Morita on June 23 and 24, 2025 (or on other available dates) at the U.S. Embassy in Tokyo.

Accordingly, B+W respectfully requests to withdraw its Motion to Compel without prejudice and to vacate the hearing date set for May 28, 2025.

Counsel for B+W met and conferred with counsel for Defendants, who confirmed that they do not oppose to the relief sought in this Motion.

Dated: May 12, 2025

Respectfully submitted,

/s/ Brandon H. Brown

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Attorneys for Plaintiff
Brook + Whittle LTD

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025, the foregoing was filed electronically in compliance with Local Rule CV-5(a) and served via electronic mail on all counsel of record who have consented to electronic service.

/s/ Brandon H. Brown

Brandon H. Brown

CERTIFICATE OF CONFERENCE

I hereby certify that counsel has complied with the meet and confer requirement of Local Rule CV-7(h). Counsel for Fuji confirmed that Fuji does not oppose the relief sought in this motion.

/s/ Brandon H. Brown

Brandon H. Brown
Lead Counsel

/s/ Andrea Fair

Andrea Fair
Local Counsel