

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN PHOTOVOLTAIC TRUNK
BUS CABLE ASSEMBLIES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1438

ORDER NO. 8: ORDERING PRODUCTION FROM PAUL G. JOHNSON

(May 19, 2025)

Respondents Voltage, LLC and Ningbo Voltage Smart Production Co. (together, Voltage) seek production of email communications identified in a privilege log served by subpoenaed non-party Paul G. Johnson, whom the United States Patent and Trademark Office lists in connection with U.S. Patent Nos. 12,015,375 and 12,015,376, the patents asserted in this investigation. Mr. Johnson opposes the emails' production under the work-product doctrine, and Voltage counters that even if the work-product doctrine may otherwise apply, the crime-fraud exception vitiates any such protection here. On May 15, 2025, and on my order, Mr. Johnson submitted the contested email communications for *in camera* review. *See generally* May 15, 2025, Case Management Conference Tr. at 6:7–25:6 (EDIS Doc. ID 851302).

After reviewing the email communications *in camera*, I determine that even if the work-product doctrine would otherwise shield the communications from discovery, there is sufficient *prima facie* evidence that the communications were incident to alleged misconduct relevant to Voltage's defenses in this investigation. *See, e.g., Clark v. United States*, 289 U.S. 1, 15 (1933); *In re United States*, 321 F. App'x 953, 954–57 (Fed. Cir. 2009); *Moody v. IRS*, 654 F.2d 795, 800

(D.C. Cir. 1981); and 19 C.F.R. § 210.27(b). This finding is made without any prejudgment on the merits of the alleged misconduct or Voltage's defenses.

By 5:15 PM Eastern today, May 19, 2025, Mr. Johnson is ordered to produce to Voltage's counsel with the designation CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER an unredacted and complete set of the email communications he submitted to my office *in camera*. See Order 1, Protective Order (EDIS Doc. ID 843975). Upon receipt, Voltage is directed to share those communications bearing the same designation immediately with complainant Shoals Technologies, LLC, notwithstanding any provisions in Part V of the Joint Procedural and Discovery Stipulation (EDIS Doc. ID 845142).

SO ORDERED.



Doris Johnson Hines
Administrative Law Judge