

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Dettmering v. VBit Technologies Corp.; Eichler v. VBit Technologies Corp.

Dettmering · No. C.A. Nos. 1:22-cv-1482-JLH-SRF and 1:22-cv-1574-JLH-SRF · Decided December 9, 2025

SUMMARY

The court granted in part and denied in part plaintiffs’ motion concerning discovery from defendant Katie Vo. It ordered Vo to supplement her written discovery responses with documents and emails relating to Truist Bank accounts by January 9, 2026, but denied the request to reopen discovery, pursue discovery on discovery, and recover expenses. The memorandum order was issued in connection with consolidated actions alleging that a Bitcoin mining business operated as a Ponzi scheme.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Sherry R. Fallon
JURISDICTION	United States District Court for the District of Delaware
DECIDED	December 9, 2025
DOCKET	C.A. Nos. 1:22-cv-1482-JLH-SRF and 1:22-cv-1574-JLH-SRF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to compel Defendant Katie Vo to supplement written discovery responses and to reopen fact discovery after receiving third-party subpoena materials from Truist Bank. The magistrate judge granted the motion in part and denied it in part.
PRECEDENTIAL VALUE	Nonprecedential memorandum order
PARTIES	Ross Dettmering, Francis Mangubat, Michael Eichler, all other similarly situated individuals v. VBit Technologies Corp., VBit Mining LLC, Advanced Mining Group, Danh Cong Vo a/k/a Don Vo, Katie Voe, Sean Tu, Jin Gao, Lillian Zhao, John Doe Individuals 1-10, ABC Companies 1-10

TOPICS

- discovery dispute
- civil procedure
- commercial litigation
- commercial

PRACTICE AREAS

Civil procedure

Discovery

Commercial litigation

RICO

QUESTIONS PRESENTED

1. Whether Katie Vo was required under Federal Rule of Civil Procedure 26(e)(1) to supplement her written discovery responses with documents and emails relating to the Truist Bank materials.
2. Whether Plaintiffs had shown good cause to reopen fact discovery after the discovery deadline.
3. Whether Plaintiffs could obtain discovery concerning Katie Vo's methods for searching and producing discovery.
4. Whether Plaintiffs were entitled to reasonable expenses incurred in bringing the motion.

HOLDINGS

1. Katie Vo must supplement her interrogatory and document-production responses with documents and emails within her possession, custody, or control relating to the materials produced by Truist Bank, including emails she originated, received, or on which she was copied.
2. Plaintiffs did not establish good cause to reopen fact discovery.
3. Plaintiffs were not entitled to compel discovery concerning Katie Vo's methods for searching and producing discovery.
4. Plaintiffs were not entitled to an award of reasonable expenses incurred in bringing the motion.

KEY QUOTATIONS

“does not require that a party volunteer information that was not encompassed within the scope of an earlier discovery request.” (¶ 6)

“A schedule may be modified only for good cause and with the judge's consent.” (¶ 7)

“discovery on discovery is the exception, not the norm,” (¶ 10)

FACTUAL BACKGROUND

Plaintiffs alleged that Defendants operated a Bitcoin-mining business that functioned as a Ponzi scheme and asserted claims under 18 U.S.C. § 1962(c) and (d), along with related common-law and statutory claims. After the close of fact discovery, Plaintiffs obtained Truist Bank documents showing asset transfers to Katie Vo from Don Vo and from Katie Vo to an irrevocable trust. Plaintiffs then sought supplemental interrogatory and document-production responses from Katie Vo and requested that fact discovery be reopened.

PROCEDURAL HISTORY

Plaintiffs filed two actions alleging RICO and related common-law and statutory claims concerning an alleged Bitcoin-mining Ponzi scheme. The actions were consolidated for discovery purposes. After the fact-discovery deadline had passed, Plaintiffs received Truist Bank records indicating transfers involving Katie Vo and sought

supplemental discovery and reopening of discovery. The court ordered limited supplementation but denied reopening discovery, denied discovery concerning the discovery process itself, and denied expenses.

DISPOSITION

other

CASES CITED

- Bowers v. National Collegiate Athletic Ass'n, 475 F.3d 524, 540 (3d Cir. 2007)
- Polec v. Northwest Airlines, Inc., 86 F.3d 498, 539 (6th Cir. 1996)
- Bistrrian v. Levi, C.A. No. 08-3010, 2022 WL 888878, at *7 (E.D. Pa. Mar. 25, 2022)
- McGoveran v. Amazon Web Services, Inc., No. 1:20-cv-01399-SB, 2024 WL 4533598, at *3 (D. Del. Oct. 18, 2024)
- Xcoal Energy & Resources v. Bluestone Energy Sales Corp., C.A. No. 18-819-LPS, 2020 WL 5369109, at *6 (D. Del. Sept. 8, 2020)
- Lehman Brothers Holdings v. Gateway Funding Diversified Mortgage Services, L.P., 785 F.3d 96, 102 (3d Cir. 2015)
- Hewlett v. Davis, 844 F.2d 109, 113 (3d Cir. 1988)
- Dew Chemical Canada Inc. v. HRD Corp., 287 F.R.D. 268, 270 (D. Del. 2012), aff'd, 587 F. App'x 741 (3d Cir. 2014)
- In re Diisocyanates Antitrust Litigation, 2023 WL 11938951, at *3 (W.D. Pa. Nov. 7, 2023)
- In re Avandia Marketing, Sales Practices & Products Liability Litigation, 924 F.3d 662, 672 (3d Cir. 2019)
- Miller v. Indiana Hospital, 16 F.3d 549, 551 (3d Cir. 1994)

OPINION

Dettmering

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROSS DETTMERING, FRANCIS)

MANGUBAT, and all other similarly) situated individuals,)) C.A. No.: 1:22-cv-1482-JLH-SRF)
) Plaintiffs,)) V.) }

VBIT TECHNOLOGIES CORP.,)

VBIT MINING LLC, ADVANCED)

MINING GROUP, DANH CONG VO)

a/k/a DON VO, KATIE VOE, SEAN)

TU, JIN GAO, LILLIAN ZHAO,)

JOHN DOE INDIVIDUALS I-10,)

and ABC COMPANIES 1-10,)) Defendants.) MICHAEL EICHLER, and all ether) similarly

situated individuals,)) C.A. No.: 1:22-cv-1574-JLH-SREF)) Plaintiffs,)) v.))
VBIT TECHNOLOGIES CORP.,)
VBIT MINING LLC, ADVANCED)
MINING GROUP, DANH CONG VO)
a/k/a DON VO, KATIE VOE, SEAN)
TU, JIN GAO, LILLIAN ZHAO,)
JOHN DOE INDIVIDUALS 1-10,)
and ABC COMPANIES 1-10,)) Defendants,)

MEMORANDUM ORDER

At Wilmington this 9th day of December 2025, the court having considered the parties' letter briefing (D.I. 284; D.I. 286; and D.L. 295) and arguments presented at the discovery dispute teleconference on this date, regarding Plaintiffs' motion to compel Defendant, Katie Vo, to supplement her written discovery responses and reopen discovery. (D.1, 277) IT IS ORDERED that the motion is GRANTED-IN-PART for the following reasons:

1. Background. On November 10, 2022, and December 6, 2022, respectively, Plaintiffs filed these actions against VBit Technologies Corp, VBit Mining LLC, Advanced Mining Group, Dahn Vo a/k/a Don Cong Vo, Phuong D Vo a/k/a Katie Vo, Sean Tu, and Jin Gao (collectively, "Defendants"). Plaintiffs allege violations of 18 U.S.C. § 1962(c) and (d) as well as common law and statutory violations in connection with an alleged Bitcoin mining business which Plaintiffs claim operated as a Ponzi scheme. (D.I. 1 at 1) These actions were consolidated for discovery purposes, (D.1, 136; D.I. 51)
2. On December 16, 2024, the court entered a scheduling order which imposed a fact discovery deadline of July 25, 2025, (D.I. 184} Trial is scheduled to begin on May 16, 2026. id.
3. On July 21, 2025, the court granted the unopposed motion to extend discovery. (D.L. 234) The court entered deadlines for completion of fact and expert discovery on September 5, 2025, and September 29, 2025, respectively. Jd. 4, Plaintiffs served a document subpoena under Fed. R. Civ. P. 45 on Truist Bank on August 6, 2025. Plaintiffs received the production from Truist bank on October 7, 2025. (D.1. 284 at 2) The production revealed transfers of assets to Defendant Katie Vo from Don Vo and from Defendant Katie Vo to an irrevocable trust. (D.L 284 at 2)
5. After receiving Truist Bank document production regarding Defendant Katie Vo's transactions, Plaintiffs requested that Defendant Katie Vo supplement her discovery responses on October 15, 2025, (D.I. 284 at 2)
6. Legal] Standard. Federal Rule of Civil Procedure 26(e)(1) imposes a continuing obligation on parties to timely supplement or correct discovery responses or disclosures, requiring that "[fa] party who has made a disclosure under Rule 26(a) — or who has responded to an interrogatory, request for production, or request for admission — must supplement or correct its disclosure or response: (A) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information

has not otherwise been made known to the other parties during the discovery process or in writing; or (B) as ordered by the court.” Fed. R. Civ. P. 26(e)(1)(A) & (B). However, the duty to supplement “does not require that a party volunteer information that was not encompassed within the scope of an earlier discovery request.” *Bower's v. Nat'l Collegiate Athletic Ass'n*, 475 F.3d 524, 540 Gd Cir, 2007) (quoting *Polec v. Northwest Airlines, Inc.*, 86 F.3d 498, 539 (6th Cir. 1996)); see also *Bistran v. Levi*, C.A. No. 08-3010, 2022 WL 888878, at *7 (ELD. Pa. Mar. 25, 2022),

7. “A schedule may be modified only for good cause and with the judge's consent.” Fed. R. Civ. P. 16(b)(4). Therefore, in order to reopen fact discovery, the movant must make a showing of “good cause.” *AfcGoveran v. Amazon Web Servs., Inc.*, No. 1:20-cv-01399-SB, 2024 WL 4533598, at *3 (D. Del. Oct. 18, 2024) (Bibas, J., sitting by designation). “There is no set formula to apply” when determining whether a good cause showing has been made. *Xcoal Energy & Res. v. Bluestone Energy Sales Corp.*, C.A. No. 18-819-LPS, 2020 WL 5369109, at *6 (D. Del. Sept. 8, 2020) (cleaned up); see also *McGoveran*, 2024 WL 4533598, at *3 “[T]he standard is just ‘good cause.’ ”). However, “implicit in such a showing is proof that more diligent discovery was impossible.” *Lehman Bros. Holdings vy. Gateway Funding Diversified Mortg. Servs., L.P.*, 785 F.3d 96, 102 Gd Cir. 2015) (quoting *Hewlett y. Davis*, 844 F.2d 109, 113 Gd Cir. 1988)). Courts may also consider “prejudice to the party opposing the modification.” *Dew Chem. Canada Inc. v. HRD Corp.*, 287 F.R.D. 268, 270 (D. Del. 2012), *aff'd*, 587 F. App'x 741 (3d Cir, 2014).

8. Analysis: Plaintiffs seek to compel supplemental discovery from Defendant Katie Vo based on documents recently obtained from a third party, Truist Bank, after the close of fact discovery, (D.J. 284 at 2) Plaintiffs contend that Defendant Katie Vo withheld information during the initial discovery phase and Plaintiffs only became aware of the missing information after receiving Truist’s subpoena response after the close of fact discovery. Defendant Katie Vo argues that the motion is a tactic to circumvent the close of discovery and the documents would be inadmissible even if the court were to grant the Plaintiffs’ request. (D.1. 286 at 1-2) Defendant Katie Vo relies upon SEC Regulation 17 CFR Sec. 230.122 to support her argument that she is not required to produce documents obtained in a Securities and Exchange Commission (“SEC”) investigation. /d at 2. She did not raise this objection in her previous responses to the discovery in issue, 9, Supplementation and Reopening of Discovery is GRANTED-IN-PART. The court grants-in-part Plaintiffs’ motion, requiring Defendant Katie Vo to supplement her responses to Plaintiffs’ Interrogatories and Requests for Production with respect to documents within her possession, custody, or control relating to the materials produced by Truist in response to the document subpoena!. The supplementation is due on or before January 9, 2026. Although Plaintiffs did not include any sampling of the documents produced by Truist, the court is satisfied based on the arguments presented in the teleconference, that Defendant Katie Vo should supplement her discovery responses with documents and emails relating to the Truist accounts, regardless of whether they are duplicative. 10, Notwithstanding the court’s order requiring defendant Katie Vo

to supplement her discovery responses, the court denies Plaintiff's motion to reopen discovery. Reopening discovery would necessarily affect all parties and is wholly unsupported by the record before the court. Furthermore, to the extent Plaintiffs move to compel discovery from Defendant Katie Vo about her methods for searching and producing discovery, courts disfavor engaging in "discovery on discovery." See *Ja re Diisocyanates Antitrust Litig.*, 2023 WL 11938951, at *3 CW.D. Pa. Nov. 7, 2023) (citing cases recognizing that "discovery on discovery is the exception, not the norm," due to "the danger of extending the., discovery process ad infinitum.")

11. The court need not address SEC Regulation 17 CFR Sec. 230.122, The regulation requires officers and employees of the SEC to maintain the confidentiality of materials obtained in the course of an SEC examination or investigation. The court has ordered Defendant Katie Vo to supplement discovery pursuant to FRCP 26(e)(1) and any confidentiality concerns may be addressed pursuant to the parties' protective order. (D.I. 49) To be clear, the court makes no ruling at this time regarding the admissibility at trial of any records produced by Truist in 'Defendant Katie Vo shall supplement her responses to the written discovery requests served by Plaintiffs and shali produce discovery relating to the Truist account including emails she originated, received and on which she was copied. response to Plaintiffs' subpoena, Rulings regarding the admissibility of evidence will be made by Judge Hall at the appropriate stage of the proceedings. 12, Plaintiffs' request for an award for reasonable expenses associated with the instant motion is DENIED.

13. Conclusion. For the foregoing reasons, IT IS ORDERED that:

i. Plaintiff's motion requiring Defendant Katie Vo to supplement her responses to witten discovery requests pursuant to FRCP 26(e)(1) is GRANTED. The supplementation is due on or before January 9, 2026. ii. Plaintiff's motion to reopen discovery and to compel "discovery on discovery" from Defendant Katie Vo is DENIED. iii, Plaintiff's request for an award of expenses incutred in bringing the instant motion is DENIED.

14. Given that the court has relied upon material that technically remains under seal, the court is releasing this Memorandum Order under seal, pending review by the parties. In the unlikely event that the parties believe that certain material in this Memorandum Order should be redacted, the parties shall jointly submit a proposed redacted version by no later than December 16, 2025, for review by the court, along with a motion supported by a declaration that includes a clear, factually detailed explanation as to why disclosure of any proposed redacted material would "work a clearly defined and serious injury to the party seeking closure." See *fn re Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 924 F.3d 662, 672 Gd Cir. 2019) (quoting *Miller v. Ind. Hosp.*, 16 F.3d 549, 551 Gd Cir. 1994) (internal quotation marks omitted)). If the parties do not file a proposed redacted version and corresponding motion, or if the court | determines the motion lacks a meritorious basis, the documents will be unsealed within fourteen (14) days of the date the Memorandum Order issued.

15. This Memorandum Order is filed pursuant to 28 U.S.C. § 636(b)(1)(A), Fed. R. Civ.

P, 72{a), and D, Del. LR 72.1{a)(2). The parties may serve and file specific written objections

within fourteen (14) days after being served with a copy of this Memorandum Order, Fed. R. Civ. 72(a). The objections and responses to the objections are limited to four (4) pages each.

16. The parties are directed to the court's Standing Order For Objections Filed Under Fed. R. Civ. P. 72, dated November 21", 2025, a copy of which is available on the court's website, www.ded.uscourts.gov. LQ ss > Sherry R.,Fal 1) United shies Madistate Judge