

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Radu Cojocaru v. Merck Sharp & Dohme LLC

Cojocaru · No. 3:24-cv-01770-W-KSC · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of California resolves Merck Sharp & Dohme LLC’s ex parte motion for reconsideration of a prior discovery order. The Court orders Merck to reproduce unredacted business-planning documents, upholds redactions protecting proprietary methodologies, and finds the dispute over a previously unredacted document moot. The motion is therefore granted in part and denied in part.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                              |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Karen S. Crawford                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                                                                                                         |
| DECIDED               | November 24, 2025                                                                                                                                                                                                                                                                                            |
| DOCKET                | 3:24-cv-01770-W-KSC                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Defendant moved ex parte for reconsideration of a prior discovery order requiring production of disputed documents without redactions. The court granted the motion in part, denied it in part, and found one portion moot.                                                                                  |
| STANDARD OF REVIEW    | Discovery rulings are reviewed for clear abuse of discretion; the district court has broad discretion to manage discovery. The party seeking discovery bears the burden of establishing relevance, while the resisting party must clarify, explain, and support objections based on relevance and privilege. |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                                                                                      |
| PARTIES               | Radu Cojocaru v. Merck Sharp & Dohme LLC                                                                                                                                                                                                                                                                     |

TOPICS

- discovery dispute
- civil procedure
- wrongful termination
- trade secrets
- employment law

## PRACTICE AREAS

civil procedure

employment law

trade secrets

## QUESTIONS PRESENTED

1. Whether Merck had to produce unredacted versions of business-planning slides containing projected headcount, budgets, and forecasts because the information was relevant and proportional to plaintiff's wrongful-termination claim.
2. Whether Merck's limited redactions to an employment-related email were permissible because they concealed irrelevant proprietary methodology and did not impair the document's readability.
3. Whether the dispute over a slide already produced without redactions required further relief.

## HOLDINGS

1. Plaintiff was entitled to unredacted discovery of Merck's business-planning information because it was relevant to whether a headcount reduction motivated his termination and was proportional to the needs of the case. Merck was ordered to reproduce the pages without redactions, subject to an appropriate confidentiality designation under the protective order.
2. Merck's limited redactions to the email were valid because they concerned methodology and other sensitive scientific information that was outside the relevant scope of discovery. Plaintiff failed to establish that the redacted material was relevant to a claim or defense.
3. The dispute was moot because Merck had already produced MERCK005368 without redactions, and plaintiff did not contest its confidentiality designation.

## KEY QUOTATIONS

*"Plaintiff is entitled to discovery of defendant's business planning information because it is relevant to his claim of alleged wrongful termination." (Opinion at 5)*

*"In other words, discovery related to the substance of plaintiff's work—the methodologies and ideas he implemented—is not relevant to plaintiff's claims and defenses." (Opinion at 8)*

*"Defendant must reproduce MERCK005251-5252 without redactions and with new bates numbers." (Opinion at 10)*

## FACTUAL BACKGROUND

Plaintiff alleged that Merck wrongfully terminated him and sought discovery concerning Merck's business planning, his work methodologies, and displaced company roles. Merck produced documents with redactions based on trade-secret and proprietary-information concerns, while the parties' protective order permitted confidential and counsel-only designations. After most disputes were resolved, five pages from three documents remained at issue: business-planning slides, an email containing methodology-related information, and an already-unredacted slide listing displaced roles.

## PROCEDURAL HISTORY

The parties litigated a discovery dispute concerning Merck's redactions and confidentiality designations for trade-secret and employment-related documents. The court previously ordered production of the disputed materials and later stayed that order while the parties modified their protective order and continued to meet and confer. After an in-camera review and supplemental briefing, the court resolved the remaining disputes over five pages from three documents.

## DISPOSITION

other

## CASES CITED

- U.S. Fidelity & Guar. Co. v. Lee Inv. LLC, 641 F.3d 1126, 1136 n.10 (9th Cir. 2011)
- Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002)
- In re Williams-Sonoma, Inc., 947 F.3d 535, 539 (9th Cir. 2020)
- Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 350-51 (1978)
- ATS Prods., Inc. v. Champion Fiberglass, Inc., 309 F.R.D. 527, 531 (N.D. Cal. 2015)
- Sanchez Y Martin, S.A. de C.V. v. Dos Amigos, Inc., No. 17CV1943-LAB (LL), 2019 WL 581715, at \*3 (S.D. Cal. Feb. 13, 2019)
- Mahil v. Option Care Enters., Inc., No. 20CV1559-BEN-MDD, 2021 WL 2550084 (S.D. Cal. June 21, 2021)
- DIRECTV, Inc. v. Trone, 209 F.R.D. 455, 458 (C.D. Cal. 2002)
- Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975)
- Stephenson v. California, 761 F. Supp. 3d 1242, 1264 (C.D. Cal. 2025)
- Am. Timber & Trading Co. v. First Nat. Bank of Oregon, 690 F.2d 781, 786 (9th Cir. 1982)
- De Portillo v. Cnty. of San Diego, No. 3:23-CV-00978-WQH-VET, 2024 WL 5048901, at \*9 (S.D. Cal. Dec. 9, 2024)
- Doe v. Trump, 329 F.R.D. 262, 276 (W.D. Wash. 2018)