

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Ascot Valley Foods, Ltd. v. ADF Foods (USA), Ltd.

Ascot Valley Foods · No. 22-CV-2655 (DEH) (OTW) · Decided December 3, 2025

SUMMARY

The court denied as moot the defendant’s request for leave to amend its Rule 26 disclosures and interrogatory responses because Rule 26(e) independently requires supplementation of incomplete or incorrect disclosures. The court denied the plaintiff’s request to exclude the defendant’s counterclaim damages calculations as a Rule 37(c)(1) sanction, finding that exclusion was unwarranted under the circumstances. Fact and expert discovery were reopened through December 19, 2025, to permit discovery concerning the amended damages calculations.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Ona T. Wang
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 3, 2025
DOCKET	22-CV-2655 (DEH) (OTW)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for leave to amend its Federal Rule of Civil Procedure 26 disclosures and interrogatory answers after the close of discovery. Plaintiff cross-moved for sanctions, including exclusion of the counterclaim damages calculations.
STANDARD OF REVIEW	The court applied its broad discretion under Federal Rule of Civil Procedure 37 to determine the appropriate sanction based on all the facts, considering the explanation for the disclosure failure, the importance of the evidence, prejudice to the opposing party, and the possibility of a continuance.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- discovery dispute
- sanctions
- civil procedure
- commercial litigation
- breach of contract

PRACTICE AREAS

civil procedure

commercial litigation

contracts

discovery

QUESTIONS PRESENTED

1. Whether Defendant needed leave of court to supplement its Rule 26 disclosures and interrogatory answers after discovering that they were materially incomplete.
2. Whether Defendant's delayed disclosure warranted exclusion of the damages calculations or another sanction under Federal Rule of Civil Procedure 37(c)(1).

HOLDINGS

1. Leave of court was not required because Federal Rule of Civil Procedure 26(e) requires a party to timely supplement or correct a materially incomplete or incorrect disclosure or interrogatory response. Defendant's motion for leave to amend was therefore denied as moot.
2. Exclusion was not warranted. Although Defendant's omission was not substantially justified, the circumstances did not warrant the drastic sanction of preclusion because the evidence was important, Plaintiff suffered limited and curable prejudice, and additional discovery remained available before trial.

KEY QUOTATIONS

"Thus, leave of the Court is not required." (III.A)

"preclusion is a drastic remedy that this Court will not impose lightly." (III.B)

FACTUAL BACKGROUND

Ascot Valley Foods sued ADF Foods concerning the manufacture of meatless meatballs, and ADF Foods asserted counterclaims including breach of contract and trade-secret misappropriation. ADF initially disclosed that it would provide a damages computation after fact discovery, but inadvertently failed to provide the calculations based on unfulfilled purchase orders. After discovering the omission following a settlement conference, ADF supplemented its disclosures and interrogatory responses within approximately one week, nearly seven months before the court's ruling.

PROCEDURAL HISTORY

Plaintiff filed breach-of-contract claims in March 2022, and Defendant asserted breach-of-contract and trade-secret counterclaims in June 2022. Defendant supplemented its Rule 26 disclosures and interrogatory responses in April 2025 after discovering that it had omitted damages calculations. The court denied Defendant's motion for leave to amend as moot because supplementation was required by Rule 26(e) without leave, denied Plaintiff's sanctions motion, and reopened fact and expert discovery until December 19, 2025.

DISPOSITION

other

CASES CITED

- Rodriguez v. Vill. of Port Chester, 535 F. Supp. 3d 202, 209 (S.D.N.Y. 2021)
- Diaz v. New York Paving Inc., 553 F. Supp. 3d 11, 19 (S.D.N.Y. 2021)
- Ebewo v. Martinez, 309 F. Supp. 2d 600, 607 (S.D.N.Y. 2004)
- Johnson Electric North America Inc. v. Mabuchi Motor America Corp., 77 F. Supp. 2d 446, 458-59 (S.D.N.Y. 1999)
- AAIPharma Inc. v. Kremers Urban Dev. Co., No. 02-CV-9628(BSJ)(RLE), 2006 WL 3096026, at *5 (S.D.N.Y. Oct. 31, 2006)
- Dimensional Sound, Inc. v. Rutgers Univ., No. 92-CV-2350(DLC), 1996 WL 11244, at *3 (S.D.N.Y. Jan. 10, 1996)
- Kunstler v. City of New York, 242 F.R.D. 261, 265 (S.D.N.Y. 2007)
- Ritchie Risk-Linked Strategies Trading (Ireland), Ltd. v. Coventry First LLC, 280 F.R.D. 147, 157 (S.D.N.Y. 2012)
- Outley v. New York, 837 F.2d 587, 591 (2d Cir. 1988)
- Softel, Inc. v. Dragon Medical & Scientific Communications, Inc., 118 F.3d 955, 961 (2d Cir. 1997)
- IBM Corp. v. Micro Focus (US) Inc., No. 22-CV-9910 (VB) (VR), 2024 WL 2240281, at *4 (S.D.N.Y. May 17, 2024)
- Am. Stock Exch., LLC v. Mopex, Inc., 215 F.R.D. 87, 93 (S.D.N.Y. 2002)
- Schiller v. City of New York, Nos. 04-CV-7922(RJS)(JCF), 04-CV-7921(RJS)(JCF), 2008 WL 4525341, at *7 (S.D.N.Y. Oct. 9, 2008)