

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**EMERGENCY RESPONSE)
SPECIALISTS, INC.,)**

Plaintiff/Counterclaim Defendant)

vs.)

Case No. 2:14-cv-02214-RDP

CSA OCEAN SCIENCES, INC.,)

Defendant/Counterclaim Plaintiff)

ORDER

On August 4, 2016, the Magistrate Judge’s Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No party has filed objections to the Magistrate Judge’s Report and Recommendation.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby **ADOPTS** the report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge. Therefore, the court **ORDERS** as follows:

(1) **Executed Interrogatory Responses.** Executed interrogatory answers **SHALL** be provided to CSA Ocean Sciences, Inc. (CSA), within seven (7) days from the date of entry of this order.

(2) **Emails.** To the extent that Lisa Moore has any responsive emails (with their attachments) on her laptop, she **SHALL** produce copies of the emails with attachments, to CSA within fourteen (14) days from the date of entry of this order.

(3) **Videos.** Certain photographs produced in response to CSA's request for production of documents were in fact videos. The video files in question **SHALL** be provided to CSA within fourteen (14) days from the date of entry of this order.

(4) **Text Messages.** The text messages in question shall be provided to CSA within fourteen (14) days from the date of entry of this order. The Court **ORDERS** Carl Haywood to cooperate in providing the password within the time frame set out in this order. If Mr. Haywood refuses to cooperate, counsel for Emergency Response Specialists, Inc. (ERS) **SHALL** inform the court, and the court will enter a further order compelling Mr. Haywood's cooperation.

(5) The Motion for Protective Order (Doc. 56) is **MOOT**.


(6) The Motion for Sanctions (Doc. 58) is **DENIED** to the extent it seeks an order dismissing ERS's claims against CSA and **DENIED** to the extent it seeks an order precluding Lisa Moore from testifying as an expert witness at trial. The Motion for Sanctions is **GRANTED** to the extent it seeks attorney fees and costs, and CSA is **AWARDED** attorney's fees in the amount of \$1600.00 and costs in the amount of \$622.50, jointly and severally against Mr. James T. Baxter, III, and ERS.

(7) The Motion to Exclude Emergency Response Specialists, Inc.'s Expert Lisa Moore (Doc. 61) is **DENIED**.

(8) The Motion to Quash Subpoenas to Noble Energy, Inc. and Noble Energy Mediterranean, Ltd. (Doc. 62) is **GRANTED**.

The Clerk is directed to **TERMINATE** Docs. # 55, 56, 58, 61 and 62.

DONE and **ORDERED** this August 23, 2016.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE