

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**JOHN PLUMMER and
DEZIRIE PLUMMER**

PLAINTIFFS

v.

No. 2:12-cv-192-DPM

**TEREX CORPORATION; TEREX USA, LLC;
TEREX UTILITIES, INC.; TEREX SOUTH
DAKOTA, INC., f/k/a TEREX-TELECT;
FORMERLY FORESTRY, INC.; and
JOHN DOES 1-10**

DEFENDANTS

FORMERLY FORESTRY, INC.

CROSS-CLAIMANT

v.

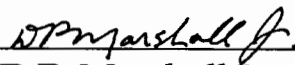
**TEREX CORPORATION;
TEREX USA, LLC; TEREX
UTILITIES, INC.; TEREX SOUTH
DAKOTA, INC. f/k/a TEREX-TELECT**

CROSS-DEFENDANTS

ORDER

The Court appreciates the attached good report on discovery. The parties remain welcome to contact the Court if new issues arise.

So Ordered.



D.P. Marshall Jr.
United States District Judge

23 April 2013

WILCOX & LACY^{PLC}

600 S. Main Street
Jonesboro, AR 72401

WRITER'S EMAIL: blacy@wilcox-lacy.com

TOLL FREE 877-931-3101
870-931-3101
FAX 870-931-3102

April 19, 2013

Via Email: dpmchambers@ared.uscourts.gov

Honorable D. Price Marshall, Jr.
Richard Sheppard Arnold US Courthouse
600 W. Capitol Ave.
Rm. B155
Little Rock, AR 72201

Re: John and Dezirie Plummer v. Terex Corporation, Terex USA, LLC, Terex Utilities, Inc., Terex South Dakota, Inc f/k/a Terex-Telect, Formerly Forestry, Inc., Godbersen-Smith Construction Company d/b/a Gomaco Corporation, and John Does 1-10

Dear Judge Marshall,

Your Honor's Order dated April 2, 2013 requests a Joint Report on written discovery in the above referenced case. In Your Honor's Order, the Court directed the parties to confer by telephone to resolve any remaining issues about written discovery. The Court is correct that the parties have conferred in good faith on these issues between the filing of their initial 26(f) reports and the date of the Court's Order. It appears at this time that the parties have resolved all such issues. All written discovery exchanged by the parties has been substantively answered at this time. Although the parties may disagree regarding certain objections asserted to this discovery at some point in the future, it does not appear that there is any dispute at this time regarding the number of interrogatories.

In fact, the Plaintiffs' depositions were taken in this case yesterday. At that time, the parties agreed that, in the event that any additional discovery requests were needed in the future, they would attempt to confer in good faith before involving the Court, and would only involve the Court by means of a telephone call, as directed in the Court's Scheduling Order. At this time, however, no such issues exist.

I hope this letter sufficiently addresses all concerns regarding the status of any ongoing discovery issues. If not, please feel free to let us know. I have already circulated this letter to counsel for each of the Defendants and I am authorized to say that they have approved the content of this letter.

Yours Truly,

Brandon Lacy
by Dustin Jones
Brandon W. Lacy

BWL/ss

cc: Joseph W. Price, II
Michael N. Shannon
M. Samuel Jones III