

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

TRI-STATE ARMATURE
& ELECTRICAL WORKS, INC.

PLAINTIFF

v.

No. 3:16-cv-134-DPM


TIMOTHY B. HOUSTON; ELECTRO DESIGN
ENGINEERING, INC.; and CELETA STRIPLING

DEFENDANTS

ORDER

Defense counsel sent the attached emails to chambers today. If Tri-State hasn't served the disputed subpoenas yet, then it should not do so until the Court resolves the parties' dispute. Simultaneous five-page briefs with attachments due by 5:00 p.m. tomorrow, 1 March 2017. The Court encourages counsel to do two things: cooperate more; and follow the Court's Scheduling Order, *No 15 at 3*, about how to bring discovery disputes to the Court.

So Ordered.



D.P. Marshall Jr.
United States District Judge

28 February 2017



3:16-cv-00134-DPM Tri-State Armature and Electrical Works Inc. v. Houston et al.

Jeff Puryear to: dpmchambers@ared.uscourts.gov

02/28/2017 11:15 AM

Cc: "Dorrie_Goodwin@ared.uscourts.gov", "Jim Simpson (jsimpson@allensummers.com)", "Shawn Lillie (slillie@laborlaw.biz)", "Mike Mullally

From: Jeff Puryear <jpuryear@wpmfirm.com>

To: "dpmchambers@ared.uscourts.gov" <dpmchambers@ared.uscourts.gov>

Cc: "Dorrie_Goodwin@ared.uscourts.gov" <Dorrie_Goodwin@ared.uscourts.gov>, "Jim Simpson (jsimpson@allensummers.com)" <jsimpson@allensummers.com>, "Shawn Lillie (slillie@laborlaw.biz)" <slillie@laborlaw.biz>, "Mike Mullally (mmullally@snellgrovefirm.com)"

1 attachment



12P1251-ltr to Judge Marshall, 2.28.17.PDF

Judge Marshall:

Please see the attached correspondence. Thank you very much for the Court's time.

Jeff Puryear

Jeffrey W. Puryear, Esq.



301 West Washington | Jonesboro, AR 72401
PO Box 3077 | Jonesboro, AR 72403
O: 870.932.0900 | D: 870.336.6451
jpuryear@wpmfirm.com

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WOMACK PHELPS
PURYEAR MAYFIELD
& McNEIL, P.A.

Direct: 870.336.6451
jpuryear@wpmfirm.com

TOM D. WOMACK
JOHN V. PHELPS *
JEFFREY W. PURYEAR
MARK MAYFIELD
ROGER McNEIL
RYAN M. WILSON *
WALTER J. DUNN †**
CHUCK GSCHWEND
B. WADE BOWEN ‡
ARIEL J. SNYDER

*LICENSED IN AR AND TN
† OF COUNSEL
** LICENSED IN AR, TN, VA, NY AND DC
‡ ULM IN TAXATION

February 28, 2017

Sent Via Email

Honorable D. P. Marshall Jr.
dpmchambers@ared.uscourts.gov

Re: *Tri-State Armature & Electrical Works, Inc. v.*
Timothy B. Houston, Electro Design
Engineering, Inc., and Celeta Stripling; U.S.
District Court, Eastern District of Arkansas,
Jonesboro Division; No. 3:16-cv-134-DPM

Dear Judge Marshall:

We have a discovery issue as a result of broad subpoenas issued yesterday by Plaintiff's counsel to 25 of our client's customers. When we received the subpoenas yesterday, we asked counsel to withhold service of the subpoenas so we could address with them our objections to the requests; however, counsel is proceeding forward and serving customers as we speak. We are unable to resolve this issue. Our request is simply that counsel withhold service of the subpoenas to the non-party customers so we can file an appropriate motion, assert our objections and let the Court rule. Will the Court please grant our request for counsel to place on hold service of the subpoenas? Plaintiff's counsel, Jim Simpson, advised that he is out of the office this afternoon and others in his firm are attending a funeral today.

Thank you very much for the Court's time.

Sincerely,

WOMACK PHELPS
PURYEAR MAYFIELD & McNEIL

Jeffrey W. Puryear

JWP/aw

cc: via email
Ms. Dorie Goodwin
Mr. Jim Simpson
Mr. Shawn Lillie
Mr. Mike Mullally

WOMACK PHELPS PURYEAR MAYFIELD & MCNEIL, P.A.
Honorable D. P. Marshall Jr.
dpmchambers@ared.uscourts.gov

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February 28, 2017

Ms. Ariel Snyder



FW: Message from KMBT_C454

Michael Mullally to: dpmchambers@ared.uscourts.gov

02/28/2017 11:37 AM

"Dorrie_Goodwin@ared.uscourts.gov", "Jim Simpson
Cc: (jsimpson@allensummers.com)", "Shawn Lillie
(slillie@laborlaw.biz)", Jeff Puryear, "asnyder@wpmfirm.com"

From: Michael Mullally <MMullally@snellgrovefirm.com>

To: "dpmchambers@ared.uscourts.gov" <dpmchambers@ared.uscourts.gov>

Cc: "Dorrie_Goodwin@ared.uscourts.gov" <Dorrie_Goodwin@ared.uscourts.gov>, "Jim Simpson
(jsimpson@allensummers.com)" <jsimpson@allensummers.com>, "Shawn Lillie
(slillie@laborlaw.biz)" <slillie@laborlaw.biz>, Jeff Puryear <jpuryear@wpmfirm.com>,

1 attachment



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Judge Marshall,

Please see attached letter.

Mike Mullally

Snellgrove, Langley, Culpepper, Williams & Mullally
Attorneys at Law

Frank Snellgrove (1921-2008)
Stanley R. Langley (1940-2011)
Malcolm Culpepper
Todd Williams
Michael E. Mullally
Matt Modelevsky
J. Chad Owens
Abram Skarda

111 E. Huntington - P.O. Box 1346
Jonesboro, AR 72403-1346

Telephone
(870) 932-8357
Facsimile
(870) 932-5488

E-Mail:

mmullally@snellgrovefirm.com

February 28, 2017

VIA E-MAIL

Honorable D. P. Marshall, Jr.

RE: TRI-STATE ARMATURE & ELECTRICAL WORKS, INC. vs. TIMOTHY B.
HOUSTON, ELECTRO DESIGN ENGINEERING, INC., and CELETA
STRIPLING - U.S.D.C., E.D. OF ARKANSAS, JONESBORO DIVISION, NO.
3:16CV-134-DPM

Dear Judge Marshall:

I join in Jeff Puryear's request that the Court place on hold the service of the Subpoenas.

Yours very truly,

Michael E. Mullally

MEM:tr

cc: Ms. Dorie Goodwin
Mr. Jim Simpson
Mr. Shawn Lillie
Ms. Ariel Snyder