

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

OUTDOOR SPORTSMAN GROUP, LLC

PLAINTIFF

v.

CASE NO. 4:08-CV-00621 BSM

**EST, LLC, SUCCESSOR IN INTEREST TO
ENVIRONMENTAL SERVICE TECHNOLOGY, LLC**

DEFENDANT

ORDER

Plaintiff Outdoor Sportsman Group (“OSG”) moved to compel discovery responses from defendant EST, LLC on September 9, 2009 (Doc. No. 58) and served a second set of interrogatories and requests for production on EST on July 2, 2009. EST responded to the discovery requests on September 2, 2009, and objected to a number of the interrogatories and document requests. Having reviewed the relevant documents and conducted an in camera conference with counsel on December 9, 2009, OSG’s motion to compel is granted in part and denied in part as follows:

Interrogatory No. 8 and Request for Production No. 6. The motion to compel production of these requests is denied. Defense counsel represents that he has no documents responsive to these requests but that he will supplement his responses should he uncover such information.

Request for Production No. 13. The motion to compel production of this request is denied. Plaintiff’s counsel will revise this request to better define the documents sought.

Interrogatory No. 10. The motion to compel production of this request is denied. Defense counsel represents that he has no documents responsive to these requests but that

he will supplement his responses should he uncover such information.

Request for Production No. 15. The motion to compel production of this request is denied. Plaintiff's counsel will revise this request to better define the documents sought.

Request for Production No. 16. The motion to compel production of this request is denied. Plaintiff's counsel will revise this request to better define the documents sought.

Request for Production No. 17. The motion to compel production of this request is granted. EST is directed to produce all records documenting any or all of EST's advertising (including but not limited to, television ads, radio ads, print ads and mailings) that has been shown in, and/or distributed within the state of Arkansas.

Request for Production No. 18. The motion to compel production of this request is denied. Plaintiff's counsel will revise this request to better define the documents sought.

Request for Production No. 19. The motion to compel production of this request is granted in part. EST shall produce all documents it keeps by electronic means that are related to the shipment of its products to any entity within the state of Arkansas. EST is also directed to notify the court how all similar documents, other than those maintained electronically, are kept.

Request for Production No. 20. The motion to compel production of this request is granted subject to the protective order entered herein on December 5, 2008. EST is directed to produce cell phone records for each person identified in its response to interrogatories numbered 11 and 12 from January 1, 2006 to July 1, 2007. OSG is cautioned that the court

will enforce strict compliance with the protective order.

Request for Production No. 21. The motion to compel production of this request is granted subject to the protective order entered herein on December 5, 2008. EST is directed to produce cell phone records of Hank Parker and Robert Huslander from January 1, 2006 to July 1, 2007. OSG is cautioned that the court will enforce strict compliance with the protective order.

Request for Production No. 22. The motion to compel production of this request is granted subject to the protective order entered herein on December 5, 2008. EST is directed to produce the tests, testing results, and any documents regarding Code Blue. OSG is cautioned that these documents cannot be used for competitive purposes and that the court will enforce strict compliance with the protective order.

Request for Production No. 23. The motion to compel production of this request is granted subject to the protective order entered herein on December 5, 2008. EST is directed to produce the tests, testing results, and any documents regarding any product believed to be similar to C'mere Deere. OSG is cautioned that these documents cannot be used for competitive purposes and that the court will enforce strict compliance with the protective order.

Accordingly, OSG's motion to compel (Doc. No. 58) is granted in part and denied in part as set forth above. Further, it is anticipated that the discovery deadline will be extended and that the trial date will be continued. Therefore, an amended scheduling order will be

issued.

IT IS SO ORDERED this 9th day of December, 2009.



UNITED STATES DISTRICT JUDGE