

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

DAVID SMITH, *et al.*

PLAINTIFFS

v.

No. 4:09CV00679 JLH

FRAC TECH SERVICES, LTD.

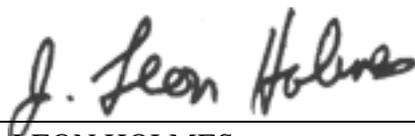
DEFENDANT

ORDER

Frac Tech Services, Ltd., has filed a motion for reconsideration of the ruling denying its motion for leave to take the deposition of Dan Quick. Frac Tech strenuously argues that Dan Quick has information that is unique to him and that his deposition will not be duplicative or cumulative. Frac Tech acknowledges that it has taken 59 depositions in this case and says that it has been cognizant of the cost and expense of those depositions. While the plaintiffs continue to argue that the benefit of the deposition of Dan Quick is substantially outweighed by the cost and expense, the plaintiffs also say that if the Court were to permit the deposition, it should do so on the condition that Frac Tech bear the expense of reopening discovery and permitting the deposition. Frac Tech has not responded to that portion of the plaintiffs' argument.

For good cause shown, the motion for reconsideration is granted. Document #213. Frac Tech will be permitted to depose Dan Quick on the condition that it reimburse plaintiffs for the reasonable travel expenses and reasonable attorneys' fees incurred in connection with taking that deposition, which presumably will take place in Bossier City, Louisiana, where Quick resides.

IT IS SO ORDERED this 27th day of September, 2010.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE