

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

**INDIGO LR LLC and CHRIS  
EAKIN, on behalf of himself and  
others similarly situated**

**PLAINTIFFS**

**v.**

**No. 4:10-cv-1657-DPM**

**STEPHEN WHITWELL; ADVANCED  
INSURANCE BROKERAGE OF  
AMERICA INC., a/k/a Advanced Insurance  
Administration; MATT LILE; and  
EMPLOYERS CHOICE HEALTH PLAN**

**DEFENDANTS**

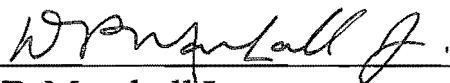
**ORDER**

Unopposed motion to dismiss, *Document No. 75*, granted. Indigo and Eakin's claims against Stephen Whitwell are dismissed without prejudice; and Whitwell's motion for summary judgment, *Document No. 66*, is denied as moot.

Motion for leave to take Eugene Cauley's deposition, *Document No. 76*, is also granted. FED. R. CIV. P. 30(a)(2)(B). Cauley is an inmate at the United States Penitentiary in Pollock, Louisiana; his BOP registration number is 62348-054; and he is not a party to this case. Thus, if Indigo and Eakin require

a subpoena or any relief arising out of Cauley's deposition, they will have to seek it in the district where the deposition is being taken. FED. R. CIV. P. 37 & 45.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

27 April 2012