

**APR 27 2012**

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

**JAMES W. McCORMACK, CLERK**  
By: \_\_\_\_\_  
DEP CLERK

HELENA CHEMICAL COMPANY and  
FEDERAL INSURANCE COMPANY

Plaintiffs

V.

JOHN BOSWELL SKINNER, JR., ET  
AL.

Defendants

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NO: 4:11CV00691 SWW

**ORDER**

Helena Chemical Company (“Helena”) and Federal Insurance Company bring this action against former Helena employees John Boswell Skinner, Jr., Thomas Chris Coleman, Kurt Nelson Catlett, Adam Ross Catlett, and Wayne Norman Bass. This order restates the Court-ordered deposition schedule announced during the telephone conference held in this case on April 25, 2012.

By order entered April 10, 2012, the Court directed the parties to attempt to come to an agreement, by April 16, 2012, regarding a schedule for Plaintiffs’ depositions of non-party witnesses. Specifically, the Court directed Plaintiffs’ counsel to provide Defendants’ counsel a list of the names of all non-party witnesses that Plaintiffs intend to depose, along with a list of proposed deposition dates, and the Court directed Defendants’ counsel to provide Plaintiffs’ counsel a list of dates on which they would be available for depositions.

On April 17, 2012, the Court received a letter from Helena’s counsel, stating that the

parties were unable to reach an agreement. A copy of counsel's letter, along with the aforementioned lists, which are included in letters and email communications among counsel, are appended as Attachments ##1-6 to this order.

On April 25, 2012, the Court held a telephone conference for the purpose of scheduling Plaintiffs' depositions of non-party witnesses. All parties participated in the conference through counsel and agreed to deposition dates for 31 non-party witnesses that Plaintiffs intend to depose, which Plaintiffs have classified into three groups. Plaintiffs want to complete the non-party depositions during the months of May, June, and July, 2012 and they estimate that most of the depositions will last half a day. Given the time constraints and conflicting schedules of Defendants' attorneys, it is not possible for each Defendant's attorney to attend each deposition. Accordingly, defense counsel agreed that the depositions could proceed provided that one or more attorneys representing a defendant in this case attends each deposition. The agreed deposition schedule follows.

**First Group of Non-Party Depositions**

Depositions for the first group of non-party witnesses, which include Diane Duran, Teddy Stewart, and JBS Agri Solutions, Inc., will proceed on the following dates:

May 1, 2012 (Attorneys Denise Hoggard, Joseph Perry, and Phillip Allen to attend)

May 9, 2012 (Attorneys Denise Hoggard, Joseph Perry, and Phillip Allen to attend)

May 10, 2012 (Attorneys Denise Hoggard, Joseph Perry, and Phillip Allen to attend)

**NOTE:** According to an email communication from Jim Simpson, counsel for non-parties Diane Duran and Teddy Simpson, Simpson is available to attend depositions on May 8 and 10, 2012. *See* Attachment #6. During the telephone conference, the Court directed counsel

for Helena to contact attorney Simpson and inform him that he should file a motion to quash if his schedule does not permit him to attend his clients' depositions.

**Second Group of Non-Party Depositions**

Depositions for the second group of non-party witnesses, which includes individuals listed in Attachment #2 to this order, will proceed on the following dates:

- May 24, 2012 (Attorneys Denise Hoggard and Phillip Allen to attend)
- May 25, 2012 (Attorneys Denise Hoggard, Danny Glover, and Phillip Allen to attend)
- May 30, 2012 (Attorneys Denise Hoggard, Danny Glover, and Phillip Allen to attend)
- June 5, 2012 (Attorney Denise Hoggard to attend)
- June 6, 2012 (Attorney Denise Hoggard to attend)
- June 7, 2012 (Attorney Denise Hoggard to attend)
- June 12, 2012 (Attorney Denise Hoggard to attend)
- June 13, 2012 (Attorney Denise Hoggard to attend)
- June 14, 2012 (Attorney Danny W. Glover to attend)
- June 15, 2012 (Attorney Danny W. Glover to attend)
- June 20, 2012 (Attorney Phillip Allen to attend)

**Third Group of Non-Party Depositions**

Depositions for the second group of non-party witnesses, which includes individuals listed in Attachment #2 to this order, will proceed on the following dates:

- July 10, 2012 (Attorney Danny W. Glover to attend)
- July 11, 2012 (Attorney Danny W. Glover to attend)
- July 12, 2012 (Attorney Danny W. Glover to attend)

July 13, 2012 (Attorney Danny W. Glover to attend)  
July 18, 2012 (Attorney Danny W. Glover to attend)  
July 19, 2012 (Attorney Danny W. Glover to attend)  
July 20, 2012 (Attorney Danny W. Glover to attend)  
July 24, 2012 (Attorney Denise Hoggard to attend)  
July 25, 2012 (Attorney Denise Hoggard to attend)  
June 26, 2012—afternoon (Attorney Denise Hoggard to attend)  
June 27, 2012 (Attorney Denise Hoggard to attend)  
June 28, 2012 (Attorney Charles P. Allen to attend)  
June 29, 2012 (Attorney Denise Hoggard to attend)  
July 31, 2012 (Attorney Denise Hoggard to attend)

IT IS SO ORDERED THIS <sup>27<sup>th</sup></sup> DAY OF APRIL, 2012.

  
UNITED STATES DISTRICT JUDGE