

# MITCHELL | WILLIAMS

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April 17, 2012

## Via Hand Delivery

The Honorable Susan Weber Wright  
United States District Court Judge  
Richard Sheppard Arnold US Courthouse  
500 W. Capitol Ave., Rm. D469  
Little Rock, AR 72201

Re: *Helena Chemical Company, et al. v. John Boswell Skinner, Jr., et al.*  
USDC Eastern District of Arkansas Case No. 4:11-cv-691-SWW

Dear Judge Wright:

In reference to your Honor's Order entered last week (Doc. 89), unfortunately the parties were unable to reach agreement by the Order's deadline of April 16, 2012. Pursuant to said Order, enclosed are the following documents:

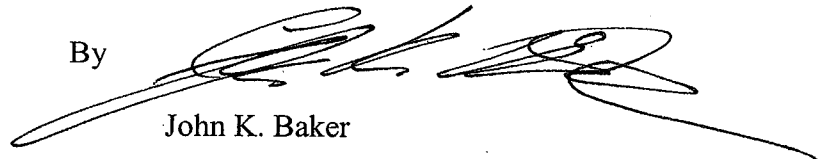
April 12, 2012 letter from plaintiffs' counsel to defense counsel;  
April 13, 2012 email from John Baker to defense counsel;  
April 16, 2012 letter from Denise Hoggard to John Baker;  
April 16, 2012 email from Phillip Allen to John Baker; and  
April 16, 2012 email exchange between John Baker and Jimmy Simpson, attorney for deponents Diane Duran and Teddy Stewart

We appreciate your Honor's helpfulness in resolving this scheduling matter.

Cordially,

MITCHELL, WILLIAMS, SELIG,  
GATES & WOODYARD, P.L.L.C.

By



John K. Baker

JKB/dw

Enclosures

cc: All counsel of record (w/enclosures – via email only)

Attachment  
#1

# MITCHELL || WILLIAMS

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April 12, 2012

## *Via Email Only*

Denise Reid Hoggard  
Chisenhall, Nestrud and Julian, P.A.  
400 W. Capitol, Suite 2840  
Little Rock, Arkansas 72201

Phillip Allen  
P.O. Box 2602  
West Helena, Arkansas 72390

Joe R. Perry  
12 South Poplar Street  
P.O. Box 389  
Marianna, Arkansas 72360

Danny W. Glover  
705 East Canal Street  
Post Office Box 373  
Wynne, AR 72396

Amy E. Boyd  
Boyd Law Offices  
622 Pecan  
Helena, AR 72342

Re: *Helena Chemical Company, et al. v. John Boswell Skinner, Jr. et al.*  
U.S.D.C. Eastern District of Arkansas, Case No. 4:11-cv-691-SWW

Defense Counsel:

In reference to the April 10, 2012 Order, I write to provide a list of the names of all non-party witnesses Plaintiffs intend to depose, along with proposed deposition dates for these witnesses. Please know that we expect to supplement our Initial Disclosures in the coming days and that this list of witnesses is based upon our present understanding of the case and discovery reviewed to-date and is subject to change. Please also know that, unless otherwise agreed or indicated below, Plaintiffs intend to schedule only one deposition per day given the number of attorneys who may question the deponent.

### **Initial Group of Third Party Deponents<sup>1</sup> and Available Dates**

Diane Duran (half-day)  
Teddy Stewart

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<sup>1</sup> The deposition of third party, Barbara Gail Catlett, has been noticed for May 2, 2012 based upon a date confirmed as available by defense counsel.

April 12, 2012

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April 18, 19, or 20

May 1, 3, 4, 7, 9 (a.m.), 10 (p.m.), or 11

**Secondary Group of Third Party Deponents and Available Dates**

Josh Bartlett (half-day)  
Stanley Bartlett (half-day)  
Roger Bennett (half-day)  
Russell Bonner (half-day)  
Stanley Chastain (half-day)  
Gary Gerlach (half-day)  
Kevin Gerlach (half-day)  
David Johnston  
Will Ligon, IV (half-day)  
Doug Mayhue (half-day)  
Henry Lee Stewart  
Kimberly Stewart (half-day)

May 22, 24, 25, 29, or 30

June 5, 6, 7, 8, 12, 13, 14, 15, 20, 21, 22

**Tertiary Group of Third Party Deponents and Available Dates**

Allen Culp (half-day)  
Blake Culp (half-day)  
Pat Foran (half-day)  
Kotton Guest (half-day)  
Phil Hall (half-day)  
Eugene (Blue) Hindsley (half-day)  
Dean Hindsley (half-day)  
Jim Hindsley (half-day)  
Odell Hindsley (half-day)  
Pace Hindsley (half-day)  
Gene Hosey (half-day)  
Chris Kale (half-day)  
John Mayo (half-day)  
Van Miller (half-day)  
Donnie Wilkinson (half-day)  
Harold Wilson (half-day)

June 26 (p.m.), 27, 28, or 29

July 10, 11, 12, 13, 17, 18, 19, 20, 24, 25, 26, 29, or 31

April 12, 2012  
Page 3

Should you have any questions, I may be reached at the number above.

Sincerely yours,

MITCHELL, WILLIAMS, SELIG,  
GATES & WOODYARD, P.L.L.C.

By 

John K. Baker

JKB/dw

cc: David Hailey  
Jennifer McLean

**Debbie Weith**

---

**From:** John Baker [jbaker@mvlaw.com]  
**Sent:** Friday, April 13, 2012 12:36 PM  
**To:** 'Denise Hoggard (dhoggard@cnjlaw.com)'; 'Joe Perry'; 'Danny Glover'; 'Amy Boyd'; 'Phillip Allen'  
**Cc:** 'C. David Hailey (dhailey@mflaw.com)'; 'Jennifer McLean'; Brian Pipkin  
**Subject:** Helena/Federal/Skinner  
**Attachments:** HCC Skinner Letter to Defense Counsel.pdf

Counsel:

With respect to the letter below sent to you yesterday (and attached again above), I need to make two corrections:

First, Dean Hindsley in the third group of deponents is misspelled. The gentleman's name is Dean Lindley.

Second, in the first group of deponents, a 30(b)(6) deposition of JBS Agri Solutions, Inc. (half-day) should be added.

I look forward to hearing from you all soon on mutually agreeable dates. Thank you.

**MITCHELL WILLIAMS**

**John Keeling Baker**  
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jbaker@mvlaw.com | MitchellWilliamsLaw.com  
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Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

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**From:** John Baker  
**Sent:** Thursday, April 12, 2012 1:09 PM  
**To:** 'Denise Hoggard (dhoggard@cnjlaw.com)'; 'Joe Perry'; 'Danny Glover'; 'Amy Boyd'; 'Phillip Allen'  
**Cc:** 'C. David Hailey (dhailey@mflaw.com)'; 'Jennifer McLean'; Brian Pipkin  
**Subject:** Helena/Federal/Skinner

Counsel:

Please see attached a letter from me to you about third party deposition dates, as well as a new subpoena duces tecum that soon will be served.

**MITCHELL WILLIAMS**

**John Keeling Baker**  
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Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

Attachment  
#3

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---

CHISENHALL, NESTRUD & JULIAN, P.A.  
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LITTLE ROCK, ARKANSAS 72201  
TELEPHONE (501) 372-5800  
FAX (501) 372-4941

www.cnjlaw.com

April 16, 2012

VIA EMAIL

Mr. John Baker  
Mitchell Williams  
425 W. Capitol Ave., # 1800  
Little Rock, AR 72201

**RE: *Helena Chemical Company, et al. v. John Skinner, et al.***  
**U.S.D.C. Eastern District of AR; Case No.: 4:11-cv-691 SWW**

Dear John,

In response to your April 12, 2012 letter regarding proposed deposition dates, I was surprised to see requests for 30 persons to be deposed, 16 of whom were not listed on initial disclosures until April 13, 2012. Further, your intention to depose the witnesses for one day each makes your proposal for timing of the depositions even more burdensome on the Defendants.

During our Rule 26 conference, we acknowledged that there might be a need to take more than ten depositions in this matter. We agreed that Plaintiffs would be able to take a total of 30 depositions. You have now identified those 30 depositions and are proposing that they all be taken by the end of July.

I have a heavy trial schedule during June and July but will make my schedule available for at least ten full days of depositions days. As some of the depositions have been identified as taking only one-half day, it would be helpful if we are able to schedule two on the same day, particularly since the depositions will require travel by one or more of the defense counsel. From my understanding of the depositions of Diane Duran and Teddy Stewart, we should be able to complete those within one day. As to the remaining depositions I can be available between now and the end of July on the following dates:

**Initial Group of Third Party Defendants Dates**

May 1, 9, 10, and 11<sup>th</sup>

**Secondary Group of Third Party Deponents and Available Dates**

May 24, 25, and 30<sup>th</sup>  
June 5, 6, 7, 12, 13, or 22<sup>nd</sup>

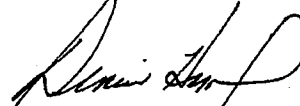
Attachment  
#4

**Tertiary Group of Third Party Deponents and Available Dates**

June 26, 27 and 29<sup>th</sup>  
July 24, 25, 26 and 31<sup>st</sup>

I will be available to confer today with the exception of from 9:30 a.m. to 10:30 a.m., and 1 p.m. through the end of the day.

Sincerely,



(Denise Reid Hoggard)

DRH/kt

Enclosure

cc: John Skinner  
Amy McCay  
Joe Perry  
Phillip Allen  
Danny Glover  
David Hailey  
Jennnifer McClean



**Debbie Weith**

---

**From:** Phillip.Allen [phillipallen@suddenlinkmail.com]  
**Sent:** Monday, April 16, 2012 5:28 PM  
**To:** John Baker  
**Cc:** joe@daggettlaw.com; dgloverfed@hotmail.com; amy@amyboydlaw.com; Denise Hoggard; C. David Hailey (dhailey@mflaw.com); JenniferMcLean  
**Subject:** Re: Helena Chemical v. Skinner, et al

I am good with denise's letter except I will be on vacation from june 9 to 16. Thanks

Phillip Allen  
Allen and Allen Law Firm, PLLC  
P.O. Box 2602  
West Helena, AR 72390  
1-870-572-6065

Sent from my iPhone

On Apr 16, 2012, at 9:15 AM, John Baker <[jbaker@mwlaw.com](mailto:jbaker@mwlaw.com)> wrote:

Defense Counsel:

I am in receipt of Denise's attached letter regarding third party deposition scheduling. Are each of you sending planning on sending us such a letter today or should we work from Denise's letter? Thanks.

<image001.jpg>

**John Keeling Baker**

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---

**From:** Karen Turner [<mailto:KTurner@cnjlaw.com>]  
**Sent:** Monday, April 16, 2012 8:52 AM  
**To:** John Baker  
**Cc:** C. David Hailey ([dhailey@mflaw.com](mailto:dhailey@mflaw.com)); Jennifer T.McLean ([jmclean@mflaw.com](mailto:jmclean@mflaw.com)); [dpipkin@mwlaw.com](mailto:dpipkin@mwlaw.com); [joe@daggettlaw.com](mailto:joe@daggettlaw.com); PhillipAllen ([phillipallen@suddenlinkmail.com](mailto:phillipallen@suddenlinkmail.com)); [dgloverfed@hotmail.com](mailto:dgloverfed@hotmail.com); [amy@amyboydlaw.com](mailto:amy@amyboydlaw.com); Denise Hoggard  
**Subject:** Helena Chemical v. Skinner, et al

Attachment  
#5

Please see attached letter.

Karen Turner

Paralegal to Denise Hoggard & Jason Earley

Chisenhall, Nestrud & Julian, P.A.

400 W. Capitol Avenue, Suite 2840

Little Rock, Arkansas 72201

501-372-5800 - Telephone

501-320-3823 - Direct Line

501-372-4941 - Fax

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<Baker.John re depos.pdf>

## John Baker

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**From:** Jimmy Simpson [ja\_simpsonlaw@sbcglobal.net]  
**Sent:** Monday, April 16, 2012 11:23 AM  
**To:** John Baker  
**Subject:** RE: Helena/Skinner - Scheduling

John

May 8 or May 10. We will be patient but not going to sit there all day when they know nothing. By the way, David DOES have documents in response to last week's subpoena.

James A. Simpson, Jr

**Simpson, Simpson & Collier**  
(501) 279-9292 (O)  
(501) 279-0808 (F)  
[ja\\_simpsonlaw@sbcglobal.net](mailto:ja_simpsonlaw@sbcglobal.net)

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**From:** John Baker [<mailto:jbaker@mwlaw.com>]  
**Sent:** Monday, April 16, 2012 9:08 AM  
**To:** 'Jimmy Simpson '  
**Cc:** Brian Pipkin  
**Subject:** Helena/Skinner - Scheduling

Jimmy:

All of the counsel are working to arrive at new dates for the Duran and Stewart depositions.

On what dates between now and May 12 are you available to defend the depositions of Diane Duran and Teddy Stewart? Assume that Ms. Duran's deposition takes 2 hours and that Mr. Stewart's deposition takes 5 hours. Thanks.

**MITCHELL || WILLIAMS**

**John Keeling Baker**  
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Attachment  
#6

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