

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

MARVIN KAY and LAURA KAY

PLAINTIFFS

v.

No. 4:13-cv-487-DPM

PEAK WATER SYSTEMS LLC and  
FOXBOROUGH ENERGY CO. LLC

DEFENDANTS

ORDER

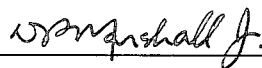
For the reasons stated on the record in the 30 October 2014 hearing, the Court grants the motion for sanctions, *No. 82*. In proving their case, the Kays are limited to discovery responses, material, information, and persons disclosed before 15 August 2014, with a carve out for Dowdle's Exhibit A. The motion to strike, *No. 92*, is denied without prejudice as premature. All disputes about the experts, including the Dowdle material, will be handled along with parties' dispositive or *Daubert* motions.

Exercising its discretion under Rule 37(b)(2)(C), the Court assesses no attorney's fees. While the delayed discovery responses are not excusable, an award of attorney's fees in these circumstances would be unjust.

Here are the new deadlines:

- Dispositive motions,  
including all expert-related  
motions.....15 December 2014
- Responses.....23 January 2015
- Replies.....13 February 2015

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

31 October 2014