

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

SIEMENS INDUSTRY, INC.

PLAINTIFF/  
COUNTER-DEFENDANT

v.

No. 5:15-cv-127-DPM

CITY OF MONTICELLO, ARKANSAS

DEFENDANT/  
COUNTER-CLAIMANT/  
THIRD-PARTY PLAINTIFF

v.

SIEMENS AG

THIRD-PARTY DEFENDANT

ORDER

Joint report, *№ 79*, noted. The received materials aren't work product. There's some argument, though apparently a weak one, about whether Siemens Industry can get these materials with FOIA requests of its own. ARK. CODE ANN. § 25-19-105(a)(1)(A); *Arkansas Highway and Transportation Department v. Hope Brick Works, Inc.*, 294 Ark. 490, 495-96, 744 S.W.2d 711, 714 (1988). But there's no good reason to make Siemens Industry argue the point with multiple public bodies. There's no proportionality problem. Monticello's objections are therefore overruled with caveats.

The caveats. Siemens Industry must pay, as it has offered to do, for paper or electronic copies. Monticello gets to choose the form of production

most convenient for the City. Monticello need not disclose its requests, just responding documents themselves. Production due by 12 February 2016. Monticello must make two batch productions of any future FOIA fruit: one on 8 April 2016, another on 1 June 2016. Providing the materials in groups (on the same terms as the original production) should mask any litigation strategy that might otherwise be revealed. The Court encourages the parties to redouble their cooperation. Joint report addressed.

So Ordered.

*D.P. Marshall Jr.*  
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D.P. Marshall Jr.  
United States District Judge  
*29 January 2016*  
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