

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, *No. 90*, noted. Here are the Court's rulings.

Interrogatory No. 3. Siemens Industry must identify those, if any, who decided the contract didn't need to be competitively bid. This is relevant information. Any underlying communications with counsel, however, are privileged.

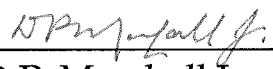
Request for Production No. 42. Siemens Industry must produce the complaints (or similar documents) filed against it in the last ten years relating to performance contracts. The City's offer to narrow the subject, and Mr. Shamash's recollection that there are only about ten of these suits, help make this request reasonable.

Request for Production No. 50. Siemens Industry must produce any compliance report/investigation (in the listed individuals' personnel files) about creation or performance of a contract with a third party. To keep these materials confidential, though, the Court so designates them under the Protective Order, *No 91*.

Agency-related discovery. The Court agrees with Siemens Industry. Focus on the contract in this case. The agency issue is what Monticello thought, and why—not what Siemens Industry did in other relationships unknown to Monticello.

The Court again encourages the parties to redouble their cooperation. Joint report addressed.

So Ordered.



D.P. Marshall Jr.
United States District Judge
17 February 2016