

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

BAE SYSTEMS ORDNANCE SYSTEMS INC.,  
and XL INSURANCE AMERICA, INC., as  
SUBROGEE of BAE SYSTEMS ORDNANCE  
SYSTEMS INC.,

PLAINTIFFS

v.

Civil No. 1:15-cv-01035

EL DORADO CHEMICAL COMPANY

DEFENDANT

**ORDER**

Pending now before this Court is Defendant's Motion to Compel. ECF No. 42. Plaintiffs' have responded. ECF No. 43. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2009), the Honorable Susan O. Hickey referred this Motion to this Court.

In reviewing the pleadings on this Motion, it appears that following the filing of this Motion to Compel, Plaintiffs supplemented their discovery answers. Furthermore, it is difficult to determine which discovery responses are at controversy with this Motion. Finally, it does not appear, from the pleadings, that the parties conferred regarding this discovery dispute prior to the instant motion being filed. Therefore, prior to any decision or possible hearing in this matter, the parties shall meet and confer to discuss the supplemented discovery responses and determine what discovery responses are still at issue. The parties should also discuss and seek to address Plaintiffs claims that federal material export regulations, including the International Traffic in Arms Regulations (ITAR), the Export Administration Regulations (EAR), and the Arms Export Control Act (AECA) preclude discovery.

Furthermore, the parties are reminded that as of December 2015, "[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and

proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). The phrase “reasonably calculated to lead to the discovery of admissible evidence,” often invoked by parties seeking expansive discovery, was deleted from Rule 26 because “[t]he phrase has been used by some, incorrectly, to define the scope of discovery.” Fed. R. Civ. P. 26 Advisory Committee Note to 2015 Amendments.

Following the parties conference, this Court should be notified of the results of the meet and confer conference and what discovery matters, if any, are still in dispute. Notice can be emailed to my law clerk, Mike Jones, at [Mike\\_Jones@arwd.uscourts.gov](mailto:Mike_Jones@arwd.uscourts.gov).

**ENTERED this 20th day of June 2016.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE