

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CLIFTON WAYNE RIDGEWAY

PLAINTIFF

v.

Case No. 2:12-CV-02159

CALFRAC WELL SERVICES CORPORATION

DEFENDANT

ORDER

Before the Court is Plaintiff Clifton Wayne Ridgeway's Motion to Compel and for Continuance (Doc. 10), which was filed on April 12, 2013. In the Motion, Plaintiff states that Defendant Calfrac Well Services Corporation failed to answer two of Plaintiff's interrogatories concerning the chemical makeup of a substance known as DWP-601. Plaintiff avers that the interrogatories were propounded on November 15, 2012, and on December 14, 2012, Defendant objected to and refused to answer these interrogatories. Plaintiff then wrote a letter to Defendant's counsel on April 2, 2013 (Doc. 10-2), requesting that Defendant provide the specific contents of DWP-601 or face a motion to compel. After reviewing Plaintiff's Motion to Compel and attached exhibits, the Court finds that Plaintiff failed to comply with Local Rule 7.2(g) and did not include in his Motion a statement that the parties conferred in good faith on this discovery issue and were unable to resolve their disagreement without the intervention of the Court.

Further, there is cause to conclude that Plaintiff filed his Motion to Compel prematurely because on April 17, 2013, Defendant agreed to provide Plaintiff with the chemical composition of DWP-601 pursuant to the entry of a protective order. *See* Doc. 12-4, E-mail from counsel for Defendant to counsel for Plaintiff. On April 19, 2013, the parties filed a motion for agreed protective order which the Court entered on April 22, 2013.

It appears, therefore, that the basis for Plaintiff's Motion to Compel is now moot as

Defendant has agreed to provide responses to the contested interrogatories. As for Plaintiff's request for a continuance, the Court finds that no good cause has been presented to justify any extension of the deadlines in the Final Scheduling Order. Therefore, Plaintiff's Motion to Compel and for Continuance (Doc. 10) is DENIED. This matter remains scheduled for jury trial to begin on July 8, 2013, in Fort Smith.

IT IS SO ORDERED this 8th day of May, 2013.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE